

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division**

<p>DISTRICT OF COLUMBIA, a municipal corporation, 441 4th Street NW Washington, D.C. 20001,</p> <p style="text-align:right">Plaintiff,</p> <p>v.</p> <p>AMANDA TURNER 6735 New Hampshire Avenue Apartment 1203 Takoma Park, MD 20912,</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, by its Office of the Attorney General, brings this action against Defendant Amanda Turner 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, as this action is brought by the District, and D.C. Code § 2-381.02, as the District asserts claims arising under the False Claims Act.
2. This Court has personal jurisdiction over Defendant Turner pursuant to D.C. Code § 13-423(a)(1) and (3).

The Parties

3. 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).

4. Defendant Amanda Turner is an individual residing at 6735 New Hampshire Avenue, Apartment 1203, Takoma Park, MD 20912.

Defendant Turner's Children

5. Defendant Turner has a daughter, A.C.T., who attended Wilson High School (Wilson), a school in the District of Columbia Public School (DCPS) system, for a portion of the 2013-2014 school year and the entirety of the 2014-2015 school year.

6. Defendant Turner has a son, L.T., who attended Wilson for a portion of the 2013-2014 school year and the entirety of the 2014-2015 school year.

7. Defendant Turner has a son, A.T., who attended Columbia Heights Educational Campus (C.H.E.C.), a school in the DCPS system, for a portion of the 2013-2014 school year.

8. Defendant Turner has a son, J.T., who attended C.H.E.C. for a portion of the 2013-2014 school year. J.T. also attended Wilson for the entirety of the 2014-2015 school year.

9. Defendant Turner has a son, A.B., who attended H.D. Cooke Elementary School (H.D. Cooke), a school in the DCPS system, for a portion of the 2014-2015 school year.

District of Columbia False Claims Act

10. 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).

11. 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).

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). Nonresident tuition rates are set by the District’s Office of the State Superintendent of Education (OSSE) 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).

16. “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).

17. “District of Columbia Public School” means a public school in the District of Columbia that offers classes:

- (i) At any of the grade levels from prekindergarten through grade 12; or
- (ii) 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); D.C. Code § 38-1800(12)(a).

18. 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.

**Defendant Turner’s Children’s Attendance at a DCPS School
from 2013 through 2015**

19. In December 2013, Defendant Turner moved to Takoma Park, Maryland. Prior to moving to Maryland, Defendant Turner’s children were enrolled at and attending various District public schools.

20. After moving to Maryland, Defendant Turner maintained A.C.T., L.T., J.T., and A.T.’s enrollment as District resident students at Wilson or C.H.E.C. for the duration of the 2013-2014 school year.

21. Defendant Turner subsequently enrolled A.B. into H.D. Cooke for the 2014-2015 school year. A.C.T., L.T., J.T., and A.T. and A.B. remained enrolled at Wilson and C.H.E.C. tuition-free, as if they were District residents, during the 2014-2015 school year.

22. From December 2013 through the end of the 2014-2015 school year, all the children resided with Defendant Turner in Maryland.

Defendant Turner's Knowing Avoidance of an Obligation to Pay District Nonresident Tuition to a DCPS School (2013-2014 School Year)

23. On August 15, 2013, Defendant Turner submitted to DCPS an Annual Student Enrollment Profile Form to enroll J.T. at C.H.E.C. for the 2013-2014 school year. On August 15, 2013, Defendant Turner submitted to DCPS an Annual Student Enrollment Profile Form and a DC Residency Verification Form to enroll A.T. at C.H.E.C. for the 2013-2014 school year. On August 21, 2013, Defendant Turner submitted to DCPS Annual Student Enrollment Profile Forms and DC Residency Verification Forms for A.C.T. and L.T. to enroll both of them at Wilson for the 2013-2014 school year.

24. On each form identified in the preceding paragraph, Defendant Turner stated that she, and the relevant child, resided at 1845 Harvard Street NW, Apartment 622, Washington, D.C. 20009.

25. Defendant Turner did not notify DCPS, OSSE, Wilson, or C.H.E.C. or the District when she moved out of the District and into Maryland in December 2013, and did not pay nonresident tuition for her children's attendance at District schools during the time Defendant Turner resided in Maryland

26. Defendant Turner knew she was obligated to pay nonresident tuition for her children to attend DCPS schools as a resident of Maryland, because she knew that she and her children no longer resided in the District of Columbia but had moved to Maryland.

27. Defendant Turner also knew that, by failing to notify DCPS, OSSE, Wilson, or C.H.E.C. that she and her children were Maryland residents, she improperly avoided an obligation to pay nonresident tuition to the District, thereby concealing, avoiding or decreasing her obligation to pay the District by causing the District to decline to charge nonresident tuition for A.C.T., L.T., J.T., and A.T.'s attendance at District schools during a portion of the 2013-2014 school year.

Defendant Turner's False Statements to District Schools
(2014-2015 School Year)

28. On September 21, 2014, Defendant Turner submitted to DCPS an Annual Student Enrollment Profile Form to enroll A.C.T. at Wilson for the 2014-2015 school year.

29. On A.C.T.'s Enrollment Profile Form, Defendant Turner stated that she and A.C.T. resided at 1845 Harvard Street NW, Apartment 622, Washington, D.C. 20009. Defendant Turner checked the box declaring that she was that she was the enrolling parent or guardian and that she and her daughter were District residents. Defendant Turner 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 September 22, 2014, to complete A.C.T.'s enrollment at Wilson for the 2014-2014 school year, Defendant Turner submitted a DC Residency Verification Form for A.C.T.

31. On the Residency Verification Form for A.C.T., Defendant Turner indicated that she was the "parent/guardian/caregiver" of A.C.T. She affirmed her District residency at 1845 Harvard Street NW, Apartment 622, Washington, D.C. 20009 on the form. Defendant Turner signed the forms, stating that she understood that enrollment of A.C.T. 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 A.C.T. for the 2014-2015 school year.

32. Relying on the information in the Enrollment and Residency Verification Forms submitted by Defendant Turner, Wilson enrolled A.C.T. as a student for the 2014-2015 school year. She was enrolled as a District resident.

33. On January 5, 2015, Defendant Turner submitted to Wilson an Annual Student Enrollment Profile Form to enroll L.T. at Wilson for the 2014-2015 school year.

34. On the Enrollment Profile Form, Defendant Turner stated that L.T. resided with Defendant Turner at 1845 Harvard Street NW, Apartment 622, Washington, D.C. 20009 and verified that this address was accurate. Defendant Turner checked the box declaring that she as parent or guardian and her son were District residents. Defendant Turner 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.”

35. On January 5, 2015, to complete L.T.’s enrollment at Wilson for the 2014-2015 school year, Defendant Turner submitted a DC Residency Verification Form for L.T.

36. On the Residency Verification Form, Defendant Turner indicated that she was the “parent/guardian/caregiver” of L.T. She affirmed her District residency as 1845 Harvard Street NW, Apartment 622, Washington, D.C. 20009 on the form. Defendant Turner signed the form, stating that she understood that enrollment of L.T. 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 L.T. for the 2014-2015 school year.

37. Relying on the information in the Enrollment and Residency Verification Forms submitted by Defendant Turner, Wilson High School enrolled L.T. as a student for the 2014-2015 school year. He was enrolled as a District resident.

38. On September 21, 2014, Defendant Turner submitted to DCPS an Annual Student Enrollment Profile Form to enroll J.T. at Wilson for the 2014-2015 school year.

39. On the Enrollment Profile Form, Defendant Turner stated that J.T. resided with Defendant Turner at 1845 Harvard Street NW, Apartment 622, Washington, D.C. 20009 and verified that this address was accurate. Defendant Turner checked the box declaring that she as parent or guardian and her son were District residents.

Defendant Turner 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.”

40. On September 22, 2014, to complete J.T.’s enrollment at Wilson for the 2014-2015 school year, Defendant Turner submitted a DC Residency Verification Form for J.T.

41. On the Residency Verification Form, Defendant Turner indicated that she was the “parent/guardian/caregiver” of J.T. She affirmed her District residency at 1845 Harvard Street NW, Apartment 622, Washington, D.C. 20009 on the form. Defendant Turner signed the form stating that she understood that enrollment of J.T. 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.T. for the 2014-2015 school year.

42. Relying on the information in the Enrollment and Residency Verification Forms submitted by Defendant Turner, Wilson High School enrolled J.T. as a student for the 2014-2015 school year. He was enrolled as a District resident.

43. On January 21, 2015, Defendant Turner submitted to DCPS an Annual Student Enrollment Profile Form to enroll A.B. at H.D. Cooke for the 2014-2015 school year.

44. On the Enrollment Profile Form, Defendant Turner stated that A.B. resided with Defendant Turner at 1845 Harvard Street NW, Apartment 622, Washington, D.C. 20009 and verified that this address was accurate. Defendant Turner checked

the box declaring that she as parent or guardian and her son were District residents. Defendant Turner 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.”

45. Relying on the information in the Enrollment Profile Form submitted by Defendant Turner, H.D. Cooke enrolled A.B. as a student for the 2014-2015 school year. He was enrolled as a District resident.

46. Defendant Turner knew that the information provided on all the Enrollment Profile Forms and Residency Verification Forms she submitted to enroll her children A.C.T., J.T., L.T., and A.B. in District schools for the 2014-2015 school year was false because, at the time in which she submitted all relevant documents, the children resided with Defendant Turner in Maryland and not at the District address listed on the Enrollment and Residency Verification Forms.

Defendant Turner’s Failure to Pay Nonresident Tuition Owed to District Schools (2013-2014 and 2014-2015 School Years)

47. Nonresident tuition for A.C.T. to attend Wilson for a portion of the 2013-2014 school year and the 2014-2015 school year totals \$16,614.00.

48. Nonresident tuition for L.T. to attend Wilson for a portion of the 2013-2014 school year and the 2014-2015 school year totals \$16,422.00.

49. Nonresident tuition for J.T. to attend District public schools for a portion of the 2013-2014 school year and the 2014-2015 school year totals \$15,840.50.

50. Nonresident tuition for A.T. to attend C.H.E.C. for a portion of the 2013-2014 school year totals \$1,457.50.

51. Nonresident tuition for A.B. to attend H.D. Cooke for the 2014-2015 school year totals \$12,340.00.

52. To date, Defendant Turner has not paid any of the nonresident tuition she owes to the District for her children to attend District schools in these years, 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
and Improperly Avoiding an Obligation to the District
(D.C. Code §2-381.02(a)(6) (2013))

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

54. Defendant Turner 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 Turner knowingly signed and submitted false enrollment documents for her children, causing District public schools to decline to charge nonresident tuition for A.C.T., L.T., J.T., A.T., and A.B.'s attendance during the 2014-2015 school year in violation of D.C. Code § 2-381.02(a)(6).

55. Defendant Turner knowingly concealed and knowingly and improperly avoided or decreased an obligation to pay the District. Defendant Turner knew that she had an obligation to pay nonresident tuition for her children to attend District schools when she, Defendant Turner, did not reside in the District. Defendant Turner failed to notify the District of her and her children's correct address, causing a DCPS school to decline to charge nonresident tuition for four of her children's

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

COUNT II
Unjust Enrichment

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

57. By having her children attend District schools for a portion of the 2013-2014 school year, and the 2014-2015 school year, and by avoiding her obligation to pay nonresident tuition to the District during the period that Defendant Turner and her children lived Maryland, Defendant Turner 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 Turner, awarding the District treble statutory damages in an amount to be determined at trial, but not less than \$188,022.00 (three times \$62,674.00); and 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 Turner, awarding the District actual damages in an amount to be determined at trial, but not less than \$62,674.00;

(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: August 14, 2019

Respectfully Submitted,

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/s/ Catherine A. Jackson
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