



## **Parties**

2. The District, a municipal corporation empowered to sue and be sued, is the local government for the territory (“D.C.”) constituting the permanent seat of the government of the United States.

3. Defendant Alan Hill (“Mr. Hill”) is an individual residing at 1506 Saint Albans Lane, Accokeek, Maryland 20607. He is a lieutenant in the Second District of the District of Columbia Metropolitan Police Department (“MPD”).

4. Defendant Candace Renee Hill (“Ms. Hill”) is an individual residing at 1506 Saint Albans Lane, Accokeek, Maryland 20607. She was formerly known as Candace Neal and also as Candace Lilly. She is an MPD sergeant in MPD’s Second District. She is married to Mr. Hill.

5. Mr. and Ms. Hill have three children (collectively, “Defendants’ Children”): A.H., now sixteen years old, who attended a District of Columbia Public Schools (“DCPS”) school every school year beginning in the 2003-04 school year until his exclusion by DCPS on September 18, 2013, and twins (“the Hill Twins”), now fourteen years old, who attended a DCPS school every school year beginning in the 2005-06 school year until their exclusion by DCPS on September 18, 2013.

### **District of Columbia False Claims Act**

6. The District of Columbia Procurement Reform Amendment Act (the “D.C. 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)(7) (2011 Supp.).

7. The D.C. False Claims Act was amended in 2013 by the Medicaid Fraud 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).

8. The pre-2013 version of the D.C. False Claims Act provided:

(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 \$5,000, and not more than \$10,000, for each false claim for which the person:

\* \* \*

(7) Knowingly makes or uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the District . . . .

D.C. Code § 2-381.02(a) (2011 Supp.).

9. Section 2-381.01(3)(A) of the pre-2013 D.C. False Claims Act defined “[k]nowing” or “knowingly” to mean that “a person, with respect to information, does any of the following: (i) Has actual knowledge of the falsity 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.” Proof of specific intent to defraud is not required for an act to be knowing. *Id.* § 2-308.13(3)(B) (2011 Supp.).

10. Effective March 19, 2013, the D.C. False Claims Act was amended to reflect 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 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 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).

11. Section 2-381.01(7)(A) of the D.C. False Claims Act, as amended in 2013, 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. *Id.* § 2-381.01(7)(B).

#### **District of Columbia Nonresident Tuition Statute**

12. D.C. Code § 38-302(a)(2) requires that nonresident tuition be paid for each child who attends a D.C. public school and does not have a parent, guardian, custodian, or other primary caregiver who resides in D.C. 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). The student’s parent or guardian is required by law to make full payment of nonresident tuition prior to the student’s admission for each semester. 5-E DCMR § 2007.2.

13. “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).

14. Nonresidents are required to pay tuition to enroll nonresident children in D.C. 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.

#### **A.H.'s Enrollment in DCPS Schools**

15. Defendants enrolled A.H. as a student in DCPS schools for the 2003-04 through the 2012-13 school years and for a small portion of the 2013-14 school year. A.H. was enrolled at John Eaton Elementary School ("Eaton ES") for the 2003-04 through the 2009-10 school years. A.H. was enrolled at Alice Deal Middle School ("Deal MS") for the 2010-11 through the 2012-13 school years. A.H. was enrolled at Woodrow Wilson High School ("Wilson HS") from August 26, 2013 through September 18, 2013.

16. For the 2003-04 through the 2012-13 school years and for a small portion of the 2013-14 school year, A.H. was enrolled in DCPS schools as if he were a D.C. resident, and therefore attended DCPS schools tuition-free.

17. However, during the entire period of A.H.'s enrollment in DCPS schools, from the start of the 2003-04 school year through September 18, 2013, A.H. and Defendants resided in Maryland or Virginia. From the start of the 2003-04 school year until the middle of the 2006-07 school year, A.H. and Ms. Hill resided continuously at 4012 Bald Hill Terrace, Mitchellville, Maryland. From the middle of the 2006-07 school year until the middle of the 2010-11 school year, A.H. and Defendants resided continuously at 329 Wesmond Drive, Alexandria, Virginia. From the middle of the 2010-11 school year through September 18, 2013, A.H. and Defendants resided continuously at 1506 Saint Albans Lane, Accokeek, Maryland.

18. Nonresident tuition for A.H. to attend a DCPS school for the 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09, 2009-10, 2010-11, 2011-12, and 2012-13 school years,

and from August 26, 2013 through September 18, 2013 was, respectively, \$7,510.00, \$8,007.00, \$7,110.00, \$7,527.00, \$8,242.00, \$8,770.00, \$8,946.00, \$9,398.00, \$9,213.00, \$9,398.00, and \$1,020.00.

### **The Hill Twins' Enrollment in DCPS Schools**

19. Defendants enrolled the Hill Twins as students in DCPS schools for the 2005-06 through the 2012-13 school years and for a small portion of the 2013-14 school year. The Hill Twins were enrolled at Eaton ES for the 2005-06 through the 2011-12 school years. The Hill Twins were enrolled at Deal MS for the 2012-13 school year and from August 26, 2013 through September 18, 2013.

20. For the 2005-06 through the 2012-13 school years and for a small portion of the 2013-14 school year, the Hill Twins were enrolled in DCPS schools as if they were D.C. residents, and therefore attended DCPS schools tuition-free.

21. However, during the entire period of the Hill Twins' enrollment in DCPS schools, from the start of the 2005-06 school year through September 18, 2013, the Hill Twins and Defendants resided in Maryland or Virginia. From the start of the 2005-06 school year until the middle of the 2006-07 school year, the Hill Twins and Ms. Hill resided continuously at 4012 Bald Hill Terrace, Mitchellville, Maryland. From the middle of the 2006-07 school year until the middle of the 2010-11 school year, the Hill Twins and Defendants resided continuously at 329 Wesmond Drive, Alexandria, Virginia. From the middle of the 2010-11 school year through September 18, 2013, the Hill Twins and Defendants resided continuously at 1506 Saint Albans Lane, Accokeek, Maryland.

22. Nonresident tuition for each Hill Twin to attend a DCPS school for the 2005-06, 2006-07, 2007-08, 2008-09, 2009-10, 2010-11, 2011-12, and 2012-13 school years, and from

August 26, 2013 through September 18, 2013 was, respectively, \$8,077.00, \$7,527.00, \$8,242.00, \$8,770.00, \$8,770.00, \$8,945.00, \$8,945.00, \$9,398.00, and \$901.00.

#### **4219 Brooks Street NE**

23. In or around 1996, Mr. Hill purchased 4219 Brooks Street NE, Washington, D.C.

24. After purchasing 4219 Brooks Street NE, Mr. Hill leased individual apartment units within the building, serving as the landlord to several tenants. However, neither Mr. Hill nor Ms. Hill resided at this address during the period from 2003 to 2013.

25. In September 2007, Mr. Hill filed a complaint for non-payment of rent against Derrick Pitt in the Landlord and Tenant Branch of the District of Columbia Superior Court. Mr. Pitt had been occupying 4219 Brooks Street NE, Apartment No. 5, since at least 2006, and indeed Mr. Hill identified Mr. Pitt's address as 4219 Brooks Street NE, Apartment No. 5, Washington, D.C. in court filings.

26. In July 2008, Mr. Hill obtained a default judgment against Mr. Pitt, who then vacated Apartment No. 5 in or around October 2008.

27. From 2009 until November 2013, Mr. Hill leased 4219 Brooks Street NE, Apartment No. 5, to Keitcha Morris.

#### **Ms. Hill's False Statements to DCPS**

28. On August 21, 2006, Ms. Hill submitted to DCPS three Annual Student Enrollment Profile forms to enroll Defendants' Children at Eaton ES for the 2006-07 school year.

29. On each of these three enrollment profile forms, Ms. Hill stated that Defendants' Children were living at 4219 Brooks Street NE, Apartment No. 5, Washington, D.C. Ms. Hill also checked a box on these forms stating that Defendants' Children were D.C. residents. Ms.

Hill signed her name on each of the enrollment forms, certifying that the information she provided was accurate and that she understood that “providing false information for purposes of defrauding the government is punishable by law.”

30. Ms. Hill knew that the information provided on the enrollment profile forms was inaccurate because when she submitted the forms, Defendants’ Children were living with Ms. Hill at 4012 Bald Hill Terrace, Mitchellville, Maryland.

31. On August 16, 2007, June 10, 2008, and May 8, 2009, Ms. Hill submitted to DCPS a total of nine Annual Student Enrollment Profile forms (one for each child on each date) to enroll Defendants’ Children at Eaton ES for the 2007-08, 2008-09, and 2009-10 school years.

32. On May 17, 2010, Ms. Hill submitted to DCPS an Annual Student Enrollment Profile form to enroll A.H. at Deal MS for the 2010-11 school year.

33. On each of these ten enrollment profile forms, Ms. Hill stated that Defendants’ Children were living at 4219 Brooks Street NE, Apartment No. 5, Washington, D.C. Ms. Hill also checked a box on these forms stating that Defendants’ Children were D.C. residents. Ms. Hill signed her name on each of the enrollment forms, certifying that the information she provided was accurate and that she understood that “providing false information for purposes of defrauding the government is punishable by law.”

34. Ms. Hill knew that the information provided on the enrollment profile forms was inaccurate because when she submitted the forms, Defendants’ Children were living with Defendants at 329 Wesmond Drive, Alexandria, Virginia.

35. On June 14, 2011, Ms. Hill submitted to DCPS an Annual Student Enrollment Profile form to enroll A.H. at Deal MS for the 2011-12 school year.

36. On June 1, 2012, Ms. Hill submitted to DCPS three Annual Student Enrollment Profile forms to enroll Defendants' Children at Deal MS for the 2012-13 school year.

37. On each of these four enrollment profile forms, Ms. Hill stated that Defendants' Children were living at 4219 Brooks Street NE, Apartment No. 5, Washington, D.C. Ms. Hill also checked a box on these forms stating that Defendants' Children were D.C. residents. Ms. Hill signed her name on each of the enrollment forms, certifying that the information she provided was accurate and that she understood that "providing false information for purposes of defrauding the government is punishable by law."

38. Ms. Hill knew that the information provided on the enrollment profile forms was inaccurate because when she submitted the forms, Defendants' Children were living with Defendants at 1506 Saint Albans Lane, Accokeek, Maryland.

39. Relying on the information in the enrollment profile forms that Ms. Hill submitted to DCPS, DCPS enrolled Defendants' Children as D.C. residents for the 2006-07 through the 2012-13 school years, allowing them to attend DCPS schools tuition-free.

#### **Mr. Hill's False Statements to DCPS**

40. On August 24, 2008, in support of Mr. Hill's claim that he was a D.C. resident, Mr. Hill presented to DCPS a paystub from his employer purporting to show that Mr. Hill lived at 4219 Brooks Street NE, Apartment No. 5, Washington, D.C.

41. Mr. Hill knew that the information he provided in support of his claim that he was a D.C. resident was inaccurate because when he provided the information to DCPS, Mr. Hill was living at 329 Wesmond Drive, Alexandria, Virginia.

42. On June 17, 2011, and again on June 1, 2012, in support of Mr. Hill's claim that he was a D.C. resident, Mr. Hill presented to DCPS a paystub from his employer purporting to show that Mr. Hill lived at 4219 Brooks Street NE, Apartment No. 5, Washington, D.C.

43. Mr. Hill knew that the information provided in support of his claim that he was a D.C. resident on June 17, 2011, and again on June 1, 2012, was inaccurate because at both times when he provided this information to DCPS, Mr. Hill was living at 1506 Saint Albans Lane, Accokeek, Maryland.

44. On June 20, 2013, Mr. Hill submitted to DCPS three Annual Student Enrollment Profile forms to enroll A.H. as a student in ninth grade at Wilson HS and the Hill Twins as students in seventh grade at Deal MS for the 2013-14 school year. On these enrollment profile forms, Mr. Hill stated that Defendants' Children were living at 4219 Brooks Street NE, Apartment No. 5, Washington, D.C. Mr. Hill also checked a box on these forms stating that Defendants' Children were D.C. residents. Mr. Hill signed his name on each of the enrollment forms, certifying that the information he provided was accurate and that he understood that "providing false information for purposes of defrauding the government is punishable by law."

45. Mr. Hill knew that the information provided on these three enrollment profile forms was inaccurate because when he submitted the forms, Defendants' Children were living with Defendants at 1506 Saint Albans Lane, Accokeek, Maryland.

46. Relying on the information that Mr. Hill provided to DCPS in support of his claim that he was a D.C. resident and that his children were D.C. residents, DCPS enrolled Defendants' Children as D.C. residents for the 2008-09, 2011-12, 2012-13, and 2013-14 school years, allowing them to attend DCPS schools tuition-free.

### **The Convenience of DCPS Schools to the Hills**

47. The three DCPS schools that Defendants' Children attended are conveniently located near Defendants' place of work. The Second District Station is located at 3320 Idaho Avenue NW, Washington, D.C. Eaton ES is located less than a mile away at 3301 Lowell Street NW, Washington, D.C. Deal MS is located less than two miles away at 3815 Fort Drive NW, Washington, D.C. Wilson HS is located less than two miles away at 3950 Chesapeake Street NW, Washington, D.C.

48. Indeed, as Defendants admitted to MPD investigators, Defendants would occasionally use a marked police cruiser from the Second District to transport their children from the police station to school in the morning.

### **DCPS's Decision to Exclude Defendants' Children and Defendants' Administrative Appeal**

49. On September 18, 2013, following an MPD investigation of Defendants' residency status, DCPS sent a letter to Defendants informing them of its intent to exclude Defendants' Children from DCPS schools, effective immediately, unless Defendants paid the nonresident tuition owed to date.

50. On September 18, 2013, Mr. Hill requested an appeal of DCPS's decision to exclude Defendants' Children from DCPS schools. DCPS responded that it would schedule an appeal hearing with the District of Columbia Office of Administrative Hearings ("OAH") and informed Mr. Hill that his children remained eligible to attend DCPS schools while the appeal was pending.

51. On September 30, 2013, Mr. Hill withdrew A.H. from Wilson HS, and Ms. Hill withdrew the Hill Twins from Deal MS.

52. At an OAH hearing on January 23, 2015, Defendants voluntarily dismissed their appeal.

**Defendants' Failure to Pay Nonresident Tuition Owed**

53. To date, Defendants have not paid any of the nonresident tuition owed for Defendants' Children to attend DCPS schools from 2003 until their exclusion in 2013, nor have any such payments been made on their behalf.

**COUNT I**

**Knowingly Makes a False Record or Statement to Conceal, Avoid, or Decrease an Obligation to Pay the District**

**(D.C. Code § 2-381.02(a)(7) (2011 Supp.))**

54. Paragraphs 1 through 53 are realleged as if fully set forth herein.

55. Defendants knowingly made, used, or caused to be made or used, false records or statements to conceal, avoid, or decrease an obligation to pay the District nonresident tuition for Defendants' Children to attend DCPS schools. These false records or statements concealed, avoided, or decreased an obligation to pay the District in violation of the D.C. False Claims Act, causing DCPS to decline to charge nonresident tuition for Defendants' Children to attend DCPS schools.

**COUNT II**

**Knowingly Makes a False Record or Statement Material to an Obligation to Pay the District**

**(D.C. Code § 2-381.02(a)(6) (2013))**

56. Paragraphs 1 through 55 are realleged as if fully set forth herein.

57. Defendant Alan Hill knowingly made, used, or caused to be made or used, false records or statements material to an obligation to pay the District nonresident tuition for Defendants' Children to attend DCPS schools in violation of the D.C. False Claims Act, as amended effective March 19, 2013. These false records or statements caused DCPS to decline to

charge nonresident tuition for Defendants' Children to attend DCPS schools for a small portion of the 2013-14 school year.

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

58. Paragraphs 1 through 57 are realleged as if fully set forth herein.

59. By having their children attend DCPS schools for the 2003-04 through the 2012-13 school years and for a small portion of the 2013-14 school year, and by avoiding their obligation to pay nonresident tuition to the District for those years, 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 impose damages and penalties as follows:

- (1) On Count I, awarding the District damages and penalties as follows:
  - a. Treble statutory damages against Defendants in an amount to be determined at trial, but not less than \$191,151.00 (three times \$63,717.00 in nonresident tuition owed for Defendants' Children for the 2008-09 and 2012-13 school years, and for A.H. for the 2011-12 school year); civil penalties of not less than \$5,000.00 and not more than \$10,000.00, payable to the District, for each violation of the D.C. False Claims Act;
  - b. In addition, treble statutory damages against Defendant Candace Renee Hill in an amount to be determined at trial, but not less than \$249,573.00 (three times \$83,191.00 in nonresident tuition owed for Defendants' Children for the 2006-07, 2007-08, and 2009-10 school years, and for A.H. for the 2010-11 school

year); civil penalties of not less than \$5,000.00 and not more than \$10,000.00, payable to the District, for each violation of the D.C. False Claims Act;

- (2) On Count II, awarding the District treble statutory damages against Defendant Alan Hill in an amount to be determined at trial, but not less than \$8,466.00 (three times \$2,822.00 in nonresident tuition owed for Defendants' Children for the period from August 26, 2013 through September 18, 2013); 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 D.C. False Claims Act, as amended effective March 19, 2013;
- (3) On Count III, awarding the District damages against Defendants in an amount to be determined at trial, but not less than \$224,291.00 for nonresident tuition owed for the 2003-04 through the 2012-13 school years, and for the period from August 26, 2013 through September 18, 2013;
- (4) Interest, costs, and other recoverable expenses permitted by law; and
- (5) Such other relief as may be just and proper.

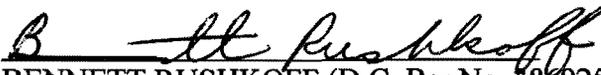
### **Jury Demand**

The District of Columbia hereby demands a trial by jury by the maximum number of jurors permitted by law.

Respectfully submitted,

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