

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

<p>DISTRICT OF COLUMBIA, a municipal corporation, 441 4<sup>th</sup> Street NW Washington, D.C. 20001,</p> <p style="text-align:right">Plaintiff,</p> <p>v.</p> <p>ANGEL MATTHEWS 3501 Jervis Court Clinton, Maryland 20735,</p> <p style="text-align:right">Defendant.</p>	<p>Civil Action No.: _____</p> <p><b>JURY TRIAL DEMANDED</b></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 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). 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 3501 Jervis Court, Clinton, Maryland, 20735. Defendant is, and at all times relevant to this Complaint was, employed as a Bus Attendant for the Office of the State Superintendent of Education (OSSE), a District of Columbia Government agency.

### **Defendant's Child**

5. Defendant is the parent of A.M.

6. A.M. was a student at Stuart-Hobson Middle School (Stuart-Hobson), a school in the District of Columbia Public School (DCPS) system, for 2014-15 school year and a portion of the 2015-16 school year.

7. During these school years, A.M. was enrolled at Stuart-Hobson and attended tuition-free as if she was a District resident.

8. During these school years, and at all times relevant to the actions described in this Complaint, Defendant and A.M. resided in the State of Maryland.

**District of Columbia False Claims Act**

9. 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 (2013).

10. 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).

11. 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).

12. “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**

13. 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).

14. “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).

15. 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 False Statements Enrolling A.M. in a District School in the 2014-15 and 2015-16 School Years**

16. A.M. attended Stuart-Hobson for the 2014-15 school year and a portion of the 2015-16 school year through April 7, 2016, respectively, as a Sixth Grader and Seventh Grader.

17. On April 24, 2014, Defendant signed and submitted an Annual Student Enrollment Form. On the Annual Student Enrollment Form, Defendant stated that she and A.M. lived at 710 E Street NE, Washington, D.C. 20002. Defendant signed and submitted the enrollment form, certifying that information on the form was accurate, and that she understood that “providing false information for purposes of defrauding the government is punishable by law.”

18. Defendant also signed and submitted a D.C. Residency Verification form to OSSE on April 25, 2014. On that form, Defendant affirmed that she resided at 710 E Street NE, Washington, D.C. 20002, 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...” The Residency Verification

Form also stated that Defendant would “notify the school of any change of residence of [herself] or [A.M.] within three (3) school days of such change. Defendant did not notify Stuart-Hobson of her and A.M.’s change of residence to the State of Maryland on or about October 22, 2014.

19. Stuart-Hobson relied on the information Defendant submitted, and enrolled A.M. as a student for the 2014-15 school year. A.M. was enrolled as a District resident.

20. Defendant knew the information she provided on the 2014 Annual Student Enrollment Forms and the D.C. Residency Verification Forms was false as of at least approximately October 22, 2014, when she and A.M. began residing in the State of Maryland and not at the District address she stated when she enrolled A.M. Defendant did not inform the District, DCPS, or OSSE that she was no longer a District resident as of October 22, 2014.

21. On April 20, 2015, Defendant signed and submitted an Annual Student Enrollment Form. On the Annual Student Enrollment Form, Defendant stated that she and A.M. lived at 710 E Street NE, Washington, D.C. 20002. Defendant signed and submitted the enrollment form, certifying that information on the form was accurate, and that she understood that “providing false information for purposes of defrauding the government is punishable by law.”

22. Defendant signed and submitted another Annual Student Enrollment Form dated April 20, 2015. On that Annual Student Enrollment Form, Defendant stated that she and A.M. lived at 520 Oklahoma Avenue NE, Washington, D.C. 20002. Defendant signed and submitted the enrollment form, certifying that information on the form was accurate, and that she understood that “providing false information for purposes of defrauding the government is punishable by law.”

23. On July 31, 2015, Defendant signed and submitted a D.C. Residency Verification form to OSSE. On that form, Defendant affirmed that she resided at 710 E Street NE, Washington, D.C. 20002, 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. Defendant signed and submitted another D.C. Residency Verification form to OSSE dated July 31, 2015. On that form, Defendant affirmed that she resided at 520 Oklahoma Avenue NE, Washington, D.C. 20002, 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...”

25. Stuart-Hobson relied on the information Defendant submitted, and enrolled A.M. as a student for a portion of the 2015-16 school year. A.M. was enrolled as a District resident.

26. Defendant knew the information she provided on the 2015 Annual Student Enrollment Forms and the D.C. Residency Verification Forms was false, because at the time she submitted the forms she and A.M. were residing in Clinton, Maryland and not at the District addresses listed in these forms.

**Defendant’s Failure to Pay Nonresident Tuition Owed for Her Child’s Attendance at a District School**

27. Non-resident tuition for A.M. to attend Stuart-Hobson from October 22, 2014 through the end of the 2014-15 school year was \$7,973.00. The pro-rated tuition for the 2015-16 school year through April 7, 2016 is approximately \$7,674.00, bringing the total unpaid tuition amount to at least \$15,647.00.

28. To date, Defendant has not paid any of the nonresident tuition she owes to the District for A.M.’s attendance at Stuart-Hobson, 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))**

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

30. 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 A.M. to attend a District school, causing a DCPS school to decline to charge nonresident tuition for A.M.'s attendance during a portion of the 2015-16 school year in violation of D.C. Code § 2-381.02(a)(6).

31. Defendant knew she was obligated to pay nonresident tuition for her child to attend Stuart-Hobson, a DCPS school, when she was residing in the State of Maryland and not in the District. From at least approximately October 22, 2014 through the end of the 2014-2015 school year, Defendant and A.M. resided in Clinton, Maryland. Defendant also knew that, by failing to notify the District that she and A.M. were Maryland residents, she improperly avoided an obligation to pay nonresident tuition to the District.

**COUNT II**  
**Unjust Enrichment**

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

33. By having her child A.M. attend a DCPS school, as a District resident, during portions of the 2014-15 and 2015-16 school years and by avoiding her obligation to pay nonresident tuition to the District for the period during those years when she resided in the State of Maryland, 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 Defendants 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 \$46,941.00 (three times \$15,647.00); 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 \$15,647.00;

(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: June 18, 2019

Respectfully Submitted,

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