

**IN THE CIRCUIT COURT
FOR PRINCE GEORGE'S COUNTY**

STATE OF MARYLAND
200 St. Paul Place
Baltimore, Md. 21202

Plaintiff,

v.

METROPOLITAN WASHINGTON
HIGH SCHOOL
11720 Beltsville Drive
#500-A19
Beltsville, Md. 21705

Serve on:
Roseline Okai
11720 Beltsville Drive
#500-A19
Beltsville, Md. 21705
Resident Agent

and

GAMALIEL ONYEMAOBI-PRINCE
37746 Golden Eagle Avenue
Murrieta, CA 92563

Defendants.

* * * * *

COMPLAINT IN INTERVENTION

The State of Maryland, through its undersigned counsel, brings this Complaint against Defendants and says:

1. The COVID-19 pandemic created extraordinary upheaval in the United States and throughout the world. This novel, contagious virus killed or sickened millions; strained hospital and other health care resources; and caused the temporary closure of businesses, schools, and

recreational activities, as Marylanders were encouraged to stay home as much as possible to “flatten the curve.”

2. For schools, school systems, students, and families, the pandemic created unprecedented challenges. Schools shifted abruptly to on-line learning, requiring many to purchase computers and other equipment necessary to implement distance learning.

3. Returning to in-person learning presented its own challenges. Schools needed testing capabilities, personal protective equipment (PPE), enhanced cleaning and sanitation protocols, and other measures to ensure safe re-openings.

4. In response, the federal government provided the States with emergency assistance to be used for a variety of COVID-related needs. Some of those funds were directed to the Maryland State Department of Education, which awarded emergency funds to private schools to assist with COVID-related expenses.

5. Metropolitan Washington High School applied to the Maryland State Department of Education for emergency funds to cover expenses that the school allegedly incurred as a result of COVID.

6. The application that Metropolitan Washington submitted was false or fraudulent. The school had not, in fact, incurred any of the claimed expenses and the documents submitted as support for its application were fake.

Parties, Jurisdiction, and Venue

7. Plaintiff, the State of Maryland is a free, sovereign, and independent State.

8. Defendant Metropolitan Washington High School is a Maryland corporation with its principal place of business in Prince George’s County.

9. Defendant Gamaliel Onyemaobi-Prince purported to serve as Metropolitan Washington's principal and submitted the EANS application on its behalf.

10. This Court has jurisdiction over the subject matter of this action pursuant to Md. Code Ann., Cts. & Jud. Proc. § 1-501.

11. Venue is proper in this Court pursuant to Md. Code Ann., Cts. & Jud. Proc. § 6-201(a) because Metropolitan Washington maintains its principal office in Prince George's County.

The EANS application process

12. In response to the COVID pandemic, the federal government enacted the American Rescue Plan and the Coronavirus Response and Relief Supplemental Appropriations Act. Both statutes provided funds to the States to address pandemic-related issues.

13. Some of those funds were provided to the Maryland State Department of Education to address education-related issues.

14. Among the COVID-related programs administered by the Maryland State Department of Education was an assistance program for private schools that incurred expenses as a result of switching to distance learning or to ensure safe in-person learning.

15. Assistance for private schools was provided through the Emergency Assistance to Non-Public Schools program, known as EANS.

16. To be eligible for EANS funds, among other things, a private school must have been operating prior to March 13, 2020, and at least twenty percent of its student body must be from low-income families, defined as having an income that does not exceed one hundred and eighty-five percent of the 2020 federal poverty level.

17. Funding was available for COVID-related expenses such as cleaning supplies, PPE, improving ventilation systems, installing physical barriers to allow social distancing, testing, and educational technology needed for on-line or hybrid instruction.

18. Schools seeking EANS assistance were required to submit a written application, including proof of the expenses for which the school was seeking reimbursement.

19. There was a fixed amount of funding available to the EANS program. Not knowing how many schools would apply or what the total amount of reimbursable expenses would be, MSDE developed a preliminary allocation formula allocating funds to all private schools based on their student enrollment. Funds could be awarded to each school to reimburse them for covered expenses up to a maximum of \$215 per student or \$420 per student from a low-income family. This preliminary allocation was subject to adjustment once all applications were received and the total amount of reimbursable expenses were known.

Metropolitan Washington High School

20. In 2006, Gamaliel Onyemaobi-Prince founded a religious organization known as the JesusChrist [sic] of Nazareth Church WorldWide [sic], Inc.

21. The church allegedly conducted religious services from a 2.5-bedroom town house in Gaithersburg, Maryland.

22. The church, in turn, claimed to operate a school for grades 9-12 called Metropolitan Washington High School.

23. The federal government collects information about private schools through the institute of Education Sciences - National Center for Education Statistics.

24. Metropolitan Washington provided information to the federal government as part of the PSS Private School Universe Survey for the 2019-2020 school year.

25. The address at which it claimed to operate is a 3.5-bedroom single-family home in Laurel, Maryland.

26. The school's listed phone number is, in fact, Gamaliel Onyemaobi-Prince's personal cellular telephone.

27. Metropolitan Washington claimed to have an enrollment of one hundred eighty students during the 2019-2020 school year. It asserted that it employed 36.3 teachers, resulting in a student/teacher ratio of 5:1.

Metropolitan Washington's EANS Application

28. On or about April 1, 2021, Metropolitan Washington applied to the Maryland State Department of Education for EANS funding.

29. Gamaliel Onyemaobi-Prince signed and submitted the application, known as a Nonpublic Schools Documentation/Certification on the school's behalf.

30. In doing so, he certified that "to the best of my knowledge and belief, all of the information in this application is true and correct. I further understand that knowingly making a false statement or representation on this application may subject me to criminal or civil penalties under applicable State and Federal laws."

31. On its EANS application, Metropolitan Washington claimed that it enrolled six hundred students for the 2019-2020 school year, not one hundred eighty as it had previously represented to the federal government.

32. On information and belief, Metropolitan Washington never enrolled any students.

33. It claimed to employ a total of sixty teachers, fifty certified and ten not certified, not 36.3 as it had previously represented to the federal government.

34. The school claimed all six hundred of its students came from low-income families, entitling it to \$252,000 in EANS funding under the preliminary allocation formula, provided that it had incurred COVID-related expenses of at least that amount.

35. The EANS application contained a table for schools to list the expenses they incurred. The schools were then to attach documentation for each of the claimed expenses.

36. Metropolitan Washington filled out the table, claiming \$259,903.89 in Covid-related expenses.

Requests for Reimbursement of Allowable Expenses:

Service or Assistance	Description	Dollar amount
Supplies to sanitize, disinfect, and clean school facilities		16,099.90
Personal Protective Equipment (PPE)		2801.00
portable air purification systems		5,996.00
Physical barriers to facilitate social distancing		8,000.00
Other materials, supplies or equipment recommended by the CDC for reopening and operation of school facilities to effectively maintain health and safety		\$15,000.00
Expanding capacity to administer coronavirus testing to effectively monitor and suppress the virus		10,000.00
Educational technology		126,006.99
Leasing sites or spaces to ensure social distancing		56,000.00
Reasonable transportation costs		20,000.00
TOTAL		259,903.89

37. Metropolitan Washington did not, in fact, incur any of the listed expenses.

38. But rather than submit paid invoices for its \$259,903.89 in claimed expenses, Metropolitan Washington submitted three documents purporting to document \$280,878.66 in

expenses. With the exception of its alleged purchase of computers from Best Buy, the supporting documents do not match the listed expenses it claimed to have incurred.

39. The first document, allegedly from a company called Custom Medical Supplies, purports to be for personal protective equipment and sanitizers in the amount of \$34,871.67.

40. The “invoice” is dated May 4, 2020, yet it claims that “We received full payment for the following items that was [sic] ordered on 05/10/2020 and shipped to the above address on 05/11/2020.” It adds, “Thank you for your business and we look forward to serving you next time. Bes [sic] safe!”

41. Custom Medical Supplies is a real company, but it did not provide any supplies or services to Metropolitan Washington. The “invoice” purporting to document the alleged transaction is a forgery.

42. The second document, allegedly from a company called ISS Facility Service, is titled as an “acknowledgment of receipt of payment for the invoice no #MWHS20201.”

43. It claims that ISS provided janitorial services to Metropolitan Washington from January 17, 2020 (before the pandemic) through December 31, 2020. These twelve months’ worth of services, allegedly billed on one invoice, total \$120,000. The alleged monthly cost of \$10,000 per month for five days of cleaning remained constant throughout the year – there was no reduction in billing to account for summer vacation, holidays, or the pandemic closure when daily cleaning would not have been needed. The so-called acknowledgment notes “We received the total sum of \$120,000 payment in full and you now have zero balance for the year 2020 Thank you. [sic]”

44. The acknowledgment lists the address of ISS Facility Service in Lanham, Maryland.

45. There is a company that does business from the listed address – its name is ISS Facility Services – plural – not ISS Facility Service. ISS Facility Services did not provide any goods or services to Metropolitan Washington and the “acknowledgment” purporting to document the alleged transaction is a forgery.

46. The third document submitted by Metropolitan Washington is an alleged “receipt” from Best Buy for the purchase of computers and other equipment totaling \$126,066.99.

47. The “receipt,” dated May 21, 2020, claims that the products “shipped” on May 22, 2020 – not that they would be shipped on May 22.

48. Best Buy is a real company. It did not provide any goods or services to Metropolitan Washington and the “receipt” purporting to document the alleged transaction is a forgery.

49. None of the three documents indicates that sales tax was charged or that the sale was tax-exempt.

50. Gamaliel Onyemaobi-Prince submitted the EANS application on behalf of Metropolitan Washington.

51. Both Gamaliel Onyemaobi-Prince and Metropolitan Washington knew that the school did not have an enrollment of six hundred students from low-income families.

52. Both Gamaliel Onyemaobi-Prince and Metropolitan Washington knew that the school had not incurred the claimed COVID-related expenses.

53. Both Gamaliel Onyemaobi-Prince and Metropolitan Washington knew that the school was not eligible for any funds through the EANS program.

54. Metropolitan Washington, through the application filled out and submitted by Gamaliel Onyemaobi-Prince, misrepresented these facts in an effort to obtain State funds to which it was not eligible.

COUNT I
False Claims Act – False Claims
Md. Code Ann., Gen. Prov. § 8-102(b)(1)

55. The State incorporates the foregoing as if were fully set forth herein.

56. On or about April 21, 2021, Metropolitan Washington, through its authorized representative, Gamaliel Onyemaobi-Prince submitted a Nonpublic Schools Documentation/Certification form requesting \$252,000 in EANS funding under the preliminary allocation formula.

57. Metropolitan Washington claimed that it enrolled six hundred students in the 2019-2020 academic year, that all six hundred students were from low-income families as defined by the EANS program, that it had incurred COVID-related expenses, and that it incurred expenses over and above its preliminary allocation of \$252,000.

58. Metropolitan Washington's statements regarding its enrollment and its COVID-related expenses were material to its eligibility to EANS funding and the amount of funding that might be awarded to it.

59. Metropolitan Washington knew that these statements were false, that it had not enrolled six hundred students from low-income families in the 2019-2020 academic year, and that it had not incurred the claimed COVID-related expenses.

60. Gamaliel Onyemaobi-Prince knew that these statements were false, that Metropolitan Washington had not enrolled six hundred students from low-income families in the 2019-2020 academic year, and that it had not incurred the claimed COVID-related expenses.

61. Metropolitan Washington and Gamaliel Onyemaobi-Prince knew that the school was not eligible for any EANS funding.

62. The Nonpublic Schools Documentation/Certification form was false or fraudulent.

63. Metropolitan Washington submitted a false or fraudulent claim to the State of Maryland in violation of the Maryland False Claims Act.

64. Gamaliel Onyemaobi-Prince, as Metropolitan Washington's principal and authorized representative, submitted or caused to be submitted a false or fraudulent claim in violation of the Maryland False Claims Act.

WHEREFORE the State seeks penalties of \$10,000, severally, against both Metropolitan Washington and Gamaliel Onyemaobi-Prince for each violation of the False Claims Act, attorneys' fees, and such other and further relief as the Court deems just and appropriate.

COUNT II
False Claims Act – False Statements or Records
Md. Code Ann., Gen. Prov. § 8-102(b)(2)

65. The State incorporates the foregoing as if fully set forth herein.

66. On or about April 21, 2021, Metropolitan Washington, through its authorized representative, Gamaliel Onyemaobi-Prince submitted a Nonpublic Schools Documentation/Certification form requesting \$252,000 in EANS funding based on the preliminary allocation formula.

67. The Nonpublic Schools Documentation/Certification form contained false statements in violation of the Maryland False Claims Act.

68. The Nonpublic Schools Documentation/Certification form falsely stated that Metropolitan Washington enrolled six hundred students in the 2019-20 academic year, that all

the students were from low-income families as defined by the EANS program, and that Metropolitan Washington had incurred COVID-related expenses.

69. Metropolitan Washington was aware that these statements were false, that it had not enrolled six hundred students from low-income families in the 2019-20 academic year, and that it had not incurred any COVID-19 related expenses.

70. Metropolitan Washington's statements regarding its enrollment and its COVID-related expenses were material to determining its eligibility for EANS funding and the amount of funding that might be awarded to it.

71. Gamaliel Onyemaobi-Prince, Metropolitan Washington's principal and authorized representative, was aware that these statements were false, that the school had not enrolled six hundred students from low-income families in the 2019-20 academic year, and that it had not incurred the claimed COVID-related expenses.

72. The Nonpublic Schools Documentation/Certification form contained false records in violation of the Maryland False Claims Act.

73. Attached to the nonpublic Schools Documentation/Certification form were documents that purported to be an "invoice" from Custom Medical Supplies, an "acknowledgment of receipt of payment" from International Facility [sic] Services, and a "receipt" from Best Buy for goods or services purchased by Metropolitan Washington.

74. None of the documents is genuine, and none of the named companies provided goods or services to Metropolitan Washington.

75. Metropolitan Washington's supporting documentation regarding its alleged COVID-related expenses was material to determining its eligibility for EANS funding and the amount of funding that could be awarded to it.

76. Metropolitan Washington knew that it had not purchased the goods and services described in these documents and that the documents were forgeries.

77. Gamaliel Onyemaobi-Prince, Metropolitan Washington's principal and authorized representative, was aware that the school had not purchased the goods and services described in these documents and that the documents were forgeries.

WHEREFORE the State seeks penalties of \$10,000, severally, against both Metropolitan Washington and Gamaliel Onyemaobi-Prince for each violation of the False Claims Act, attorneys' fees, and such other and further relief as the Court deems just and appropriate.

Respectfully submitted:

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REQUEST FOR WRIT OF SUMMONS

Plaintiff hereby requests that a Summons be issued to the Defendants.



Shelly Marie Martin

REQUEST FOR TRIAL BY JURY

Plaintiff hereby requests a trial by jury on all issues so triable.



Shelly Marie Martin