

December 16, 2019

Web Accessibility Suit Alleging False Claims Act Violations Survives in California Court



Companies providing web services to government agencies may want to note a recent decision in *State of California ex rel. Bashin v. Conduent Inc.*, in which the California Superior Court denied defendant's motion to dismiss a false claims act suit stemming from its representations in an RFP with the state regarding website accessibility.

In *Conduent*, the California Department of Parks and Recreation issued an RFP soliciting bids for the development of a public-facing website that would provide visitors with access to information about California state parks and allow them to reserve campgrounds and tours online. In its winning bid, Conduent State & Local Solutions (Conduent) represented that it would develop and test the website in compliance with certain federal and state accessibility standards, including Section 508 of the Rehabilitation Act and the Web Content Accessibility Guidelines. The website that Conduent ultimately developed was allegedly not fully accessible to people who are blind or visually impaired, however. A blind California resident brought a *qui tam* action in California Superior Court on behalf of the State of California against Conduent, alleging among other things that Conduent's representations in its RFP response and submission of claims for payment constituted knowingly false statements under the California False Claims Act. Conduent moved to dismiss the plaintiff's complaint, but Judge Seligman of the California Superior Court denied the motion. Of particular note, Judge Seligman found that the plaintiff had alleged facts sufficient to support a claim for violation of the False Claims Act by arguing that Conduent knowingly did not intend to conduct the design and testing activities necessary to ensure that the website was accessible and that Conduent falsely certified its compliance with accessibility requirements in its claims for payment. The case remains pending following Judge Seligman's denial of Conduent's motion to dismiss, but it is worth noting that the complaint's prayer for relief requested three times the damages sustained by the State of California as a result of the false claims, \$11,000 in civil penalties for each false claim, and the recovery of attorneys' fees.

Explore more in

[Consumer Protection](#)