

2022 FEB 04 A 10:42

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA)
ex rel. BRYAN QUESENBERRY,)
)
Plaintiff/Relator,)
)
v.)
)
ACORN FINANCIAL ADVISORY)
SERVICES, INC. *et al.*,)
)
Defendants.)

CASE NO.: 1:20-cv-1088 (AJT/JFA)
FILED UNDER SEAL
PURSUANT TO 31 U.S.C. § 3730(b)(2)

FILED *EX PARTE*

Under Seal

THE GOVERNMENT’S NOTICE OF ELECTION TO INTERVENE IN PART
FOR PURPOSES OF SETTLEMENT AND TO DECLINE TO INTERVENE IN PART
AND
MOTION TO UNSEAL

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court of its decision to intervene in part of this action and to decline to intervene in part of this action. The United States intervenes in that part of the action which alleges that defendant Zen Solutions, Inc. (“Zen”) violated the False Claims Act (“FCA”), 31 U.S.C. § 3729 et seq., when it applied for and received two Paycheck Protection Program (“PPP”) loans in April 2020, as Zen certified it would only receive one PPP loan prior to December 31, 2020. The United States reached a settlement with Zen, which it intends to execute contemporaneously with this notice.

The United States declines to intervene as to all other defendants, specifically: Acorn Financial Advisory Services, Inc.; Association & Conference Group, LLC; ATCS, PLC; Building Service Management, Inc.; Hemant Vekharia; Loudoun Innovation, LLC; Martin Lawn & Landscape, Inc.; MSM Vantage Construction; and Plaza Azteca Broad, Inc. (collectively,

“Non-Settling Defendants”). Based on discussions with relator, undersigned counsel anticipates that the relator will voluntarily dismiss all claims as to the Non-Settling Defendants in the near term.

Finally, the United States requests that the relator’s Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States’ investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Dated: February 4, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

JESSICA D. ABER
United States Attorney

By:

Kristin Starr by Denard Mena
Kristin S. Starr
William Hochul
Assistant United States Attorney
Counsel for the United States
2100 Jamieson Avenue
Alexandria, Virginia 22314
Tel: (703) 220-7061
(703) 203-7122
Fax: (703) 299-3983
E-mail: Kristin.Starr@usdoj.gov
William.Hochul2@usdoj.gov

JAMIE ANN YAVELBERG
COLIN M. HUNTLEY
JARED S. WIESNER
Attorneys, Civil Division
U.S. Department of Justice

P.O. Box 261
Ben Franklin Station
Washington DC 20044
Tel: (202) 353-1274
Fax: (202) 541-0280
E-mail: Jared.S.Wiesner2@usdoj.gov