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UNITED STATES DISTRICT COURT
DISTRICT of MINNESOTA

United States of America,)	File No. 22-cr-223
)	(NEB/DTS)
Plaintiff,)	
)	
v.)	
)	Courtroom 13W
Aimee Marie Bock(1),)	Minneapolis, Minnesota
Salim Ahmed Said(3),)	Friday, March 14, 2025
)	9:03 a.m.
Defendants.)	
)	

BEFORE THE HONORABLE NANCY E. BRASEL
UNITED STATES DISTRICT COURT DISTRICT JUDGE

VOLUME XIX - JURY TRIAL PROCEEDINGS

Court Reporter: RENEE A. ROGGE, RMR-CRR
United States Courthouse
300 South Fourth Street, Box 1005
Minneapolis, Minnesota 55415

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Proceedings recorded by mechanical stenography;
Transcript produced by computer.

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* * *

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1 9:03 a.m.

2 **IN OPEN COURT**

3 **(JURY PRESENT)**

4 THE COURT: Good morning, everyone. You may be
5 seated.

6 We are again on the record.

7 Mr. Thompson, you may continue your
8 cross-examination.

9 AIMEE BOCK,

10 called on behalf of the defendant, was duly sworn, was
11 examined and testified as follows:

12 MR. THOMPSON: Thank you, Your Honor.

13 CROSS-EXAMINATION (Resumed)

14 BY MR. THOMPSON:

15 Q. Good morning, Ms. Bock.

16 A. Good morning.

17 Q. Ms. Bock, I want to ask you some questions about your
18 boyfriend -- your then-boyfriend Empress Watson. Okay?

19 A. Okay.

20 Q. You were dating him during the time of this charged
21 fraud scheme; is that right?

22 A. Yes.

23 Q. You lived together?

24 A. Yes.

25 Q. In your -- in Rosemount, Minnesota?

1 A. Yes.

2 Q. And you hired him at Feeding Our Future; is that right?

3 A. Yes.

4 Q. He was on the payroll?

5 A. Correct.

6 Q. As a full-time employee?

7 A. Correct.

8 Q. Okay. I think he was paid something like \$79,000 after
9 taxes; is that right?

10 A. Yes.

11 Q. Just in W-2 regular paychecks, correct?

12 A. Correct.

13 Q. Okay. So that's, what, a hundred -- a little over a
14 hundred thousand in pay before taxes; is that right?

15 A. I have no idea.

16 Q. Okay. But you didn't -- he was not only on the payroll
17 as a full-time employee at Feeding Our Future, you also had
18 him -- you hired his company; is that right?

19 A. That's correct.

20 Q. A company that he created called Handy Helpers?

21 A. Yes.

22 Q. So in addition to being a full-time employee at Feeding
23 Our Future, you retained his company, correct?

24 A. Yes. As I explained, that was part of the agreement for
25 work comp issues.

1 Q. And so you -- just to be clear, you hired him at Feeding
2 Our Future, correct?

3 A. Correct.

4 Q. It wasn't some other employee that did that?

5 A. No.

6 Q. Okay. You put him on the payroll?

7 A. Correct.

8 Q. You signed his paychecks every two weeks?

9 A. It was direct deposit, but --

10 Q. But you authorized them, caused them to occur?

11 A. Yes.

12 Q. You filled out his forms, payroll forms and other
13 things, in the file?

14 A. I don't know what you are referencing. I'm sorry.

15 Q. So in addition to having your boyfriend -- hiring him as
16 a full-time employee at Feeding Our Future, you also hired
17 his company, correct?

18 A. As I said, that was part of the agreement for the
19 construction job.

20 Q. And this company was called Handy Helpers?

21 A. It was.

22 Q. And Mr. Watson registered with the Secretary of State in
23 November of 2019; is that right?

24 A. That sounds about right.

25 Q. About four or five months before COVID happened?

1 A. Yes.

2 Q. At the time he didn't have a bank account, correct?

3 A. I don't know. I was not a part of his banking.

4 Q. Didn't have any employees, didn't really do anything; is
5 that right?

6 A. I don't know what he was doing with it.

7 Q. Okay. Didn't have an office?

8 A. He was at home. There was an office at the house.

9 Q. Okay. And then he opened a bank account in the name of
10 his company in March of 2020; is that right?

11 A. I believe that's what you've shown.

12 Q. And I'll show you on the screen what's been admitted as
13 Government Exhibit W46, which is the bank account that your
14 boyfriend opened in the name of his company, Handy Helpers;
15 is that right?

16 A. It is.

17 Q. And that's the company's name, Handy Helpers LLC?

18 A. Yes.

19 Q. He's the sole owner of it?

20 A. Yes.

21 Q. Empress Watson?

22 A. Correct.

23 Q. He was the signatory on the bank account?

24 A. Yes.

25 Q. And the mailing address for this company is 13299 Bronze

1 Parkway in Rosemount. That's your house, correct?

2 A. Yes. That's where he lived.

3 Q. The house where you lived with Mr. Watson?

4 A. For a period.

5 Q. During the period we're talking about in this case,
6 correct?

7 A. Correct.

8 Q. And the description of the business down here is it's a
9 handyman business; is that right?

10 A. Yes.

11 Q. So just to be clear, Mr. Watson was a handyman, correct,
12 that's what his business was for?

13 A. He did all sorts of construction.

14 Q. He wasn't a licensed contractor, though?

15 A. He was not licensed, but he was educated.

16 Q. Now, this bank account was opened on March 12th, 2020.
17 Do you see that?

18 A. I do.

19 Q. The lone signatory on page 4 is Empress Watson, your
20 boyfriend, correct?

21 A. At the time, yes.

22 Q. And if I look at the -- the initial opening deposit was
23 \$25; is that right?

24 A. That's what it says.

25 Q. On March 12th, the day the account was opened?

1 A. Appears so, yes. You usually have to have a deposit
2 when you open an account.

3 Q. And then the -- nothing else had happened in the account
4 until there was money transferred into the account from
5 Feeding Our Future; is that right?

6 A. The payment was made.

7 Q. By you?

8 A. Yes. As I've said, I was the signatory on the bank
9 account.

10 Q. And so you wired this money into this newly opened Handy
11 Helpers account; is that right?

12 A. I was not aware when the account was opened, but, yes, I
13 did do the wire.

14 Q. You and Mr. Watson hadn't talked about it?

15 A. About him opening a bank account, no. We didn't discuss
16 things like that.

17 Q. All right. And you proceeded to pay him \$3,000 a week
18 starting essentially the first week this bank account was
19 opened, is that right, from Feeding Our Future?

20 A. Correct. As I said, the construction project started
21 small and then grew as the staff grew.

22 Q. And you can see you routinely, as we saw a week or so
23 ago, withdrew a big portion of that money in cash; is that
24 correct?

25 A. He withdrew a portion, yes.

1 Q. All right. Now, altogether -- well, you started out
2 paying him \$3,000 a week and later it was 4,000 a week that
3 you sent to Mr. Watson's company, correct?

4 A. Correct. As I said, the project grew as Feeding Our
5 Future grew.

6 Q. And then later \$7,000 a week?

7 A. Yep. Again, as the project grew and more staff were
8 needed and the construction got larger, larger payments were
9 made.

10 Q. Then \$10,000 a week?

11 A. Absolutely.

12 Q. Okay. And then sometimes you sent him one-off payments
13 that were even larger, right, 15, 20 thousand dollars at a
14 time, correct?

15 A. If there was a large project that was starting, yes, we
16 would put essentially a down payment down.

17 Q. You say "we." There was no "we." It was you doing
18 this, correct?

19 A. Feeding Our Future, but yes.

20 Q. Well, you. I mean, not like other people were involved
21 in this. This was you sending the money, correct?

22 A. I sent the money. I was not the only one involved in
23 the discussion of what projects needed to be done.

24 Q. Did you ever talk it over with your board of directors?

25 A. I've discussed it with them.

1 Q. Ben Stayberg?

2 A. I don't believe it was him.

3 Q. Jamie Phelps?

4 A. He was aware, I believe.

5 Q. You believe?

6 A. I do.

7 Q. Did you discuss it at board meetings?

8 A. As I said, during COVID those meetings were informal.

9 Q. Okay. We'll come back to those board meetings in a
10 little bit, because the minutes indicate they were more
11 formal than you seem to think.

12 Altogether you sent over \$900,000 to Handy
13 Helpers; is that right?

14 A. That was the cost of the remodel and construction
15 projects.

16 Q. It wasn't the cost of the projects. It was mostly
17 profit for Mr. Watson, correct?

18 A. I don't know what he profited and didn't. I didn't
19 review the bank records.

20 Q. Well, you definitely benefited from the checks, correct?

21 A. Not that I -- no.

22 Q. Okay. Let's talk -- so this is Government Exhibit X24,
23 which is a summary of the money that was sent into the Handy
24 Helpers account; is that right?

25 A. Yes.

1 Q. So you sent \$878,000 from your nonprofit, Feeding Our
2 Future, to your boyfriend's newly created LLC; is that
3 right?

4 A. I paid for the cost of construction on two levels of an
5 office space.

6 Q. The cost of construction?

7 A. The cost includes labor, expenses. There's a variety of
8 costs included.

9 Q. Does it include, Ms. Bock, \$20,000 spent at Dick's
10 Sporting Goods?

11 A. I don't --

12 Q. Is that part of the cost of construction?

13 A. I don't know what he purchased. Like I said, I did not
14 have access to his bank account records. And, again, as a
15 for-profit business, if he had a profit, he can spend it.

16 Q. Wedding Day Diamonds, I assume you wouldn't consider
17 that part of the costs of the project, correct?

18 A. No. His businesses can use their accounts how they
19 wish.

20 Q. \$50,000 in travel expenses during that 18-month period
21 during COVID?

22 A. That is what is reported. I was not aware of that.

23 Q. Well, Ms. Bock, let's talk about that. Because you were
24 on those trips; is that right?

25 A. Incorrect. I was on a couple of them.

1 Q. All right. This is -- and this is a key thing, because
2 I know you've tried to portray yourself as not having been a
3 part of the spending of Handy Helpers, but that is actually
4 not true.

5 A. I don't agree with that.

6 Q. Okay. Let's talk about it. Because after the search
7 warrants in January 2022, you gave a series of interviews in
8 the press; is that right?

9 A. Yes.

10 Q. You sat down with reporters?

11 A. A couple.

12 Q. To try to give -- provide an explanation for what was
13 happening; is that right?

14 A. To try to explain, yes.

15 Q. Yeah. And in those explanations you tried to explain
16 all this money that was sent to your boyfriend's LLC; is
17 that right?

18 A. Yes. I explained it was for construction costs.

19 Q. And you wanted to explain or you tried to explain all
20 the money that was spent from your boyfriend's account in
21 Las Vegas, correct?

22 A. I don't recall.

23 Q. In fact, you were asked about a Vegas trip where you
24 spent \$21,000 on car rentals, correct?

25 A. I learned of that from the search warrant yes.

1 Q. You were asked about his spending of \$9,000 at Caesars
2 Palace out of this Handy Helpers account that was funded
3 exclusively by Feeding Our Future?

4 A. I may have been asked about it. I don't recall. I was
5 not on those trips.

6 Q. You were asked about \$6,700 spent at Gucci out of the
7 Handy Helpers account, correct?

8 A. I don't recall what I was asked. That was several years
9 ago.

10 Q. And, in fact, when you were asked about these things,
11 you said that you don't know anything about what he spent in
12 Las Vegas. You said, "I know he went to Vegas. I was not
13 there." Correct?

14 A. Correct. They were referring to the large trip that had
15 appeared that he had gone on with friends and spent the
16 majority of the money. I was not there.

17 Q. Ms. Bock, then you said, "I was at a cabin with my
18 children and my parents in northern Minnesota for the week."
19 Correct?

20 A. I was, in July of 2021.

21 Q. In fact, you went to Las Vegas with Mr. Watson twice
22 during 2021, correct?

23 A. Not on the trips that were being referred to.

24 Q. Both trips were funded exclusively by Handy Helpers; is
25 that right?

1 A. I was not aware of what card he was using.

2 Q. Mr. Watson paid for your plane tickets for each of those
3 trips; is that right?

4 A. Yes, as my boyfriend.

5 Q. Using Handy Helpers money?

6 A. I don't know what money he used.

7 Q. That you had sent him from your nonprofit and as his
8 girlfriend?

9 A. I did not send it as a girlfriend. I sent it as the
10 business that had contracted with a construction company.

11 Q. So you sent it as a business owner. He spent it as a
12 boyfriend. Is that your testimony?

13 A. No. My testimony is that people that own businesses
14 travel with their girlfriends --

15 Q. Okay.

16 A. -- from time to time.

17 Q. Well, let's talk about your trip to Las Vegas.

18 The first time you went you spent money. This is
19 in January of 2021. You rented luxury cars, correct?

20 A. I did not.

21 Q. Well, Mr. Watson did?

22 A. He did. It was his birthday.

23 Q. He paid for them using the Handy Helpers account?

24 A. I don't know how he paid for them.

25 Q. Which was money that you had sent him from your

1 nonprofit, Feeding Our Future?

2 A. Again, as we've seen, there was extensive remodel and
3 new construction done, and so the services were paid for.

4 Q. Yeah?

5 A. Yeah.

6 Q. And so heck of a deal you gave him. He was -- well,
7 let's look. I'm showing you Government Exhibit S22 -- or
8 S51 at page 22.

9 Your first trip to Las Vegas with your boyfriend
10 was in January of 2021; is that right?

11 A. Correct.

12 Q. And on the first day of your trip, you rented a
13 Lamborghini?

14 A. He did.

15 Q. Well, you were with him, correct?

16 A. Correct.

17 Q. You drove around in it with him?

18 A. I did not want to.

19 Q. You didn't want to be in the Lamborghini?

20 A. I get incredibly carsick and so even the photos you've
21 shown of it, we were stopped because I was physically
22 getting sick. So most of the time I took body Dramamine and
23 slept.

24 Q. And went shopping?

25 A. He shopped.

1 Q. You shopped?

2 A. Sometimes.

3 Q. Okay. So day one on this terrible car rental was a
4 Lamborghini Aventador; is that right?

5 A. That's what it says.

6 Q. That Mr. Watson paid \$2,297 to rent for 24 hours; is
7 that right?

8 A. Yes, that's what the receipt says.

9 Q. And you and he drove around Las Vegas in it on your
10 trip?

11 A. For a period of time.

12 Q. 24 hours?

13 A. No.

14 Q. The following day, January 28th, you guys rented another
15 car, correct?

16 A. He did.

17 Q. This is on page 27 of Government Exhibit S51. And you
18 and Mr. Watson rented another car?

19 A. He did.

20 Q. For the two of you to drive around in?

21 A. For a little while.

22 Q. And this one was a Lamborghini Urus?

23 A. That's what it says.

24 Q. That's what it was?

25 A. Yeah, I don't know what -- I knew it was the brand. I

1 didn't know what kind. I'm not a car person.

2 Q. Ms. Bock, I'm going to go out on a limb and say you know
3 more about Lamborghinis than anyone else in this courtroom.

4 A. I know nothing about them. I have ridden in them, but I
5 could not tell you anything else about them.

6 Q. Having ridden in multiple Lamborghinis in your life, I'm
7 going to say you know more about Lamborghinis than anyone
8 else in this courtroom, but maybe you disagree.

9 MR. UDOIBOK: Objection. Calls for speculation.

10 THE COURT: Well, it's not a question. I'm going
11 to ask the jury to disregard it.

12 BY MR. THOMPSON:

13 Q. All right. Let's talk about the second Lamborghini you
14 rented on your trip to Las Vegas. It was a different model,
15 a different type of Lamborghini; is that right?

16 A. That's what he rented.

17 Q. Which one did you prefer?

18 A. Neither.

19 Q. Okay. And how much did Mr. Watson spend to rent this
20 Lamborghini on day two of your first Las Vegas trip?

21 A. It says \$1,800.

22 Q. And that was out of the Handy Helpers account?

23 A. I don't know what account he used.

24 Q. Well, his only job was Handy Helpers; is that right?

25 A. Yes.

1 Q. No, actually that's not right. He was also a full-time
2 employee at Feeding Our Future, correct?

3 A. As I said, that was part of the same construction
4 contract.

5 Q. So he had two jobs?

6 A. He had one job.

7 Q. Full-time employee and contractor for Feeding Our
8 Future, correct?

9 A. The employment was part of the agreement for the
10 construction. As I said, there was no elevator and it was
11 on the third floor, and so that was part of the agreement
12 for work comp.

13 Q. It sounds like a real hardship job here.

14 THE COURT: Mr. Thompson.

15 MR. THOMPSON: Sorry, Your Honor.

16 BY MR. THOMPSON:

17 Q. All right. Let's go to page 32 of Government
18 Exhibit S51.

19 The next day of your trip you guys rented another
20 Lamborghini?

21 A. He did.

22 Q. He actually went back to the first one; is that right?

23 A. Yeah, that's what it looks like.

24 Q. Lamborghini Aventador?

25 A. Yes.

1 Q. And he rented it -- a 24-hour rental for \$2,035; is that
2 right?

3 A. Yes.

4 Q. And the two of you used that on the third day of that
5 trip in Las Vegas; is that right?

6 A. I was in it for a little while. I did not spend the
7 entire day with him, no.

8 Q. You guys -- looking at Government Exhibit BB50, these
9 are photos that you took on your phone; is that right?

10 A. Correct. He was making fun of me because I had stopped
11 to throw up --

12 Q. Okay.

13 A. -- or asked him to stop.

14 Q. It looks like you guys drove out to the desert in the
15 Lamborghini. I think that's the green Aventador; is that
16 right?

17 A. That appears to be the car. It's -- Las Vegas is a
18 desert, so yes.

19 Q. Not on the strip, though?

20 A. No. We drove off of the strip.

21 Q. Okay. All right. And in addition -- I know you said
22 you didn't enjoy always driving around in the Lamborghini --
23 you guys did some shopping; is that right?

24 A. He did.

25 Q. Page 7 of Government Exhibit BB50 is a photo you took of

1 him, your boyfriend, holding two bags from Louis Vuitton; is
2 that right?

3 A. Yes.

4 Q. I assume he bought purses or things like that at Louis
5 Vuitton?

6 A. He bought himself a backpack and I believe something
7 else. Like I said, it was his birthday.

8 Q. Okay. And you took photos of him with the new Louis
9 Vuitton backpack; is that right?

10 A. Yes. He asked for a photo of himself.

11 Q. Again using Handy Helpers money?

12 A. Using the money that he had earned from the construction
13 projects being done.

14 Q. For the project that you paid him for?

15 A. As I mentioned yesterday, it was very, very difficult to
16 find a contractor. In fact, I couldn't find one that was
17 even willing to come out and do a bid with no elevator on
18 the third floor.

19 Q. That's funny you say that, because you said when you --
20 when the press talked to you about this, you told them that
21 you'd gotten multiple bids, at least three bids; is that
22 right?

23 A. I had gotten bids over the phone, but they would not
24 take the job and they would not come out.

25 Q. No one else wanted to do the job for a million dollars?

1 A. No. They told me it would cost significantly more
2 without an elevator because it was too big of a risk.

3 Q. You couldn't find a contractor or handyman to come for
4 \$10,000 a week and then some?

5 A. No, I could not.

6 Q. Okay.

7 A. It was also during COVID, when there was a lot of
8 remodeling and stuff happening, and so it was difficult to
9 find contractors in general.

10 Q. All right. You went to Las Vegas -- well, on that same
11 trip I think you spent \$3,500 at Louis Vuitton; is that
12 right?

13 A. I have no idea how much he spent.

14 Q. I'm directing your attention to page 72 of Government
15 Exhibit W46. Is that the debit transaction from the Handy
16 Helpers account for \$3,505 at Louis Vuitton in Las Vegas?

17 A. Yes, it is.

18 Q. You were with him, I take it?

19 A. I was.

20 Q. He didn't go to Louis Vuitton without you?

21 A. No. It was his birthday. I was with him.

22 Q. Okay.

23 A. I was not at the cash register when he checked out.

24 Q. Okay. All right. You went on a second trip to
25 Las Vegas, is that right, with Mr. Watson?

1 A. Yes.

2 Q. That was later that spring?

3 A. I believe so.

4 Q. Now, on that trip you also rented a luxury car, correct?

5 A. Yes. He rented luxury cars on a lot of the trips he
6 went on. That was his thing.

7 Q. And this one, it was actually a Rolls-Royce; is that
8 right?

9 A. Yes.

10 Q. This is in March, so about two months -- a little less
11 than two months later in March of 2021, correct?

12 A. Yes. This was a trip he was going on with his father,
13 and I had decided to join.

14 Q. Okay. And you rented a Rolls-Royce?

15 A. He did.

16 Q. And I assume the two of you drove around in it?

17 A. Mostly him and his father. I went for a couple rides,
18 yes.

19 Q. And it looks like he paid about \$1,500 to rent that
20 Rolls-Royce for 24 hours, correct?

21 A. I did not pay.

22 Q. Mr. Watson paid?

23 A. He was renting the cars. He was the one that enjoyed
24 and wanted to do that.

25 Q. Okay. You did ride in the Rolls-Royce on this trip to

1 Vegas because you went with, right?

2 A. I did go with, and I did say I rode with some of the
3 time, but a lot of the time it was him and his dad.

4 Q. And Mr. Watson paid for your plane ticket; is that
5 right?

6 A. I believe so.

7 Q. Did he pay for his dad's plane ticket too?

8 A. I believe so.

9 Q. Using the Handy Helpers money?

10 A. Don't know what money.

11 Q. Received from Feeding Our Future?

12 A. Received for the construction projects that were done.

13 (Item falling off podium)

14 Q. At Feeding Our Future?

15 A. Yes. As I've said, we had to add additional space as
16 the staff grew.

17 Q. Okay. All right.

18 MR. THOMPSON: Harry is going to have to fix that
19 for me.

20 BY MR. THOMPSON:

21 Q. And you took pictures on your phone of this trip to
22 Vegas; is that correct?

23 A. Yes. His dad had never been on a plane or traveled and
24 so I took a photo of him and his dad.

25 Q. That's BB51 at page 1?

1 A. It is.

2 Q. And then you took pictures -- you've got pictures of you
3 and Mr. Watson in the Rolls-Royce; is that right?

4 A. I was standing by it, yes.

5 Q. You had been driving around Las Vegas in the Rolls-Royce
6 that you rented that trip, correct?

7 A. We drove around for a little while.

8 Q. And Mr. Watson paid for this trip, correct?

9 A. Yes.

10 Q. Everything?

11 A. I don't know that he paid for everything.

12 Q. Paid for the flight?

13 A. Yes.

14 Q. The hotel?

15 A. Yes.

16 Q. The Rolls-Royce rental?

17 A. Yes. I had also Venmoed him some money back to pay for
18 my portions.

19 Q. Did that come from Feeding Our Future too?

20 A. The money was earned as part of my salary for the work I
21 was doing.

22 Q. Now, you said -- well, we talked about earlier with
23 other testimony you also -- this Handy Helpers account, you
24 had access to it, correct?

25 A. I did not.

1 Q. In fact, you purchased carpet at Home Depot for
2 installation in your home, correct?

3 A. I did not purchase it. As I said in my testimony
4 before, we went together to pick the carpet. It was in my
5 name because I was the homeowner. He paid for it because
6 his children had caused damage to the carpet and the
7 ceiling.

8 Q. And he did so using his Handy Helpers account?

9 A. He did so using the money he had earned.

10 Q. Okay. From Feeding Our Future?

11 A. From the large construction jobs done at Feeding Our
12 Future.

13 Q. Paid for by you?

14 A. Paid for by Feeding Our Future.

15 Q. You said you didn't have access to the account, but when
16 I look at it a little more carefully -- and just to be
17 clear, I'm going to look back to Government Exhibit W46,
18 which is the records of that Wells Fargo account for Handy
19 Helpers.

20 When I look at it, and I'm going to direct your
21 attention to page 289, I see a series of checks, quite a
22 few, actually, written from the Handy Helpers account that
23 are signed by you.

24 A. Yeah. Signing a check is not the same as having access
25 to it. I had no way to view the bank account. I didn't

1 have a debit card. I signed his payroll checks because, as
2 we discussed earlier, I was the ADP person that set that up.

3 Q. So you handled -- you had authority to write checks from
4 the Handy Helpers account?

5 A. I had authority to sign the checks that he asked me to
6 sign.

7 Q. So this one, for example, at page 289 of Government
8 Exhibit W46, you wrote a check from Handy Helpers to Empress
9 Watson, correct?

10 A. That appears to be a payroll check, so it would have
11 come from ADP.

12 Q. Your signature on it?

13 A. As I said, I sign the payroll checks.

14 Q. Same at page 290, another check to Mr. Watson signed by
15 you?

16 A. Yes. He had asked that I sign the payroll checks.

17 Q. Okay. You also signed checks drawn on Handy Helpers to
18 pay child support; is that right?

19 A. This was part of the ADP payroll package.

20 Q. So you were payroll -- or this was child support that
21 Mr. Watson was paying, correct?

22 A. I don't know who was paying it. I know he had a couple
23 employees that paid child support.

24 Q. Including Mr. Watson?

25 A. I believe he did.

1 Q. Okay. And you wrote those checks, correct?

2 A. I did not write them. As I said, they were processed
3 through ADP based on the withholdings required and I signed
4 the checks.

5 Q. So you had quite a lot of involvement in Handy Helpers,
6 it sounds like; is that right?

7 A. Not at all.

8 Q. You handled the ADP, the payroll?

9 A. I did.

10 Q. You wrote all -- all the funds that went into the
11 account came from your nonprofit, correct?

12 A. Came from the construction work that was done.

13 Q. With either checks that you wrote to the company,
14 correct, or wires that you transferred to the company?

15 A. Correct, for the work that was completed.

16 Q. And you wrote checks out of the account, correct?

17 A. There were one or two that he had asked me to write,
18 yes.

19 Q. And the account was used to pay for your travel?

20 A. I don't know what account he used.

21 Q. Well, you saw it on the record, correct?

22 A. Right. At the time I had no idea what accounts he was
23 using for --

24 Q. It was used to buy and install new carpet in your
25 personal residence, correct?

1 A. Yes.

2 MR. UDOIBOK: Objection. Asked and answered.

3 THE COURT: Overruled.

4 THE WITNESS: Yes. And as I've said, that carpet
5 was to replace the damage. I've also said that during the
6 entire time he lived there, I paid the mortgage as well as
7 all of the bills. So when his children damaged the carpet,
8 he agreed and replaced it.

9 BY MR. THOMPSON:

10 Q. Using Handy Helpers?

11 A. Using the money he had earned from those construction
12 jobs.

13 Q. He bought you jewelry using the Handy Helpers account,
14 correct?

15 A. He bought me jewelry as my boyfriend.

16 Q. Okay. One second.

17 (Pause)

18 Q. There's also, directing your attention back to
19 Government Exhibit X24, a lot of car expenses from the Handy
20 Helpers account; is that right?

21 A. Yes.

22 Q. Over \$70,000 --

23 A. Yes.

24 Q. -- correct?

25 Your boyfriend was a car guy, you said, I think?

1 A. He was.

2 Q. And he used his Handy Helpers account to buy cars,
3 correct?

4 A. I don't know what account he used. I know he purchased
5 a car.

6 Q. He bought a -- there was a Tesla, correct?

7 A. Correct.

8 Q. There was a Porsche?

9 A. He had the Porsche prior.

10 Q. And I think you bought it from him; is that right?

11 A. Yeah. As I explained, someone else had purchased it and
12 it was found abandoned, and so I paid off the balance of the
13 agreement.

14 Q. So there was a Tesla and a Porsche, correct?

15 A. There was a Tesla that was several years old in poor
16 condition, the battery didn't hold a charge, so it was
17 traded in.

18 Q. Okay. For a Mercedes?

19 A. That's correct.

20 Q. And that Mercedes, we talked about it before, I think,
21 or you maybe talked about it on direct, but that was a
22 Mercedes that he purchased in January of 2022; is that
23 right?

24 A. Correct.

25 Q. About ten days before the search warrants were executed

1 in this investigation?

2 A. Correct.

3 Q. And that same day you actually wired him \$15,000 from
4 Feeding Our Future that he used to make a down payment on
5 that Mercedes; is that right?

6 A. I did not know he was purchasing the car. There was
7 money paid because we had just expanded on the second floor
8 and were rolling into another large project, creating a
9 training room as well as four new office spaces.

10 Q. You didn't know about the car?

11 A. I did not. I knew he was looking. I did not know when
12 he was purchasing.

13 Q. Okay. All right. Let's take a look at the records
14 here. First I'm going to show you Government Exhibit W46 at
15 page 446, and this is a wire that you sent on January 10,
16 2022, to Handy Helpers; is that right?

17 A. Yes. As I said, I had issued a payment.

18 Q. And it was from Feeding Our Future?

19 A. Correct.

20 Q. To Handy Helpers?

21 A. That's correct.

22 Q. For \$15,000?

23 A. Yes, for the second floor expansion.

24 Q. And at the top here, it looks like you sent -- you made
25 that wire transfer at 10:03 a.m. on January 10th; is that

1 right?

2 A. That's when it posted. I don't know when it was
3 initiated.

4 Q. All right. One moment.

5 (Counsel confer)

6 BY MR. THOMPSON:

7 Q. Ms. Bock, I'm going to show you what's been marked, but
8 not yet admitted, as Government Exhibit BB -- maybe I'm not.
9 No, that's not it. Can I bring it up on the regular screen?
10 Hold on.

11 (Counsel confer)

12 MR. THOMPSON: One moment, Your Honor.

13 (Pause)

14 BY MR. THOMPSON:

15 Q. All right. Ms. Bock --

16 Your Honor, if I could show the witness an exhibit
17 the old-fashioned way?

18 THE COURT: You may approach.

19 MR. THOMPSON: Thank you.

20 BY MR. THOMPSON:

21 Q. Ms. Bock, I'm going to show what's been marked as
22 Government Exhibit BB41h.

23 (Pause)

24 Q. Ms. Bock, I'm showing you what's been marked as
25 Government Exhibit BB41h. Is that an excerpt of a text

1 message chain between you and Mr. Watson?

2 A. It is.

3 MR. THOMPSON: Your Honor, I move to admit
4 Government Exhibit BB41h.

5 THE COURT: Any objection?

6 MR. UDOIBOK: No objection.

7 MR. MONTEZ: No objection.

8 THE COURT: BB41h is admitted.

9 THE WITNESS: Oh, sorry.

10 MR. THOMPSON: I need it back.

11 THE COURT: Are you going to put it on the
12 document camera?

13 MR. THOMPSON: Yes.

14 BY MR. THOMPSON:

15 Q. All right. Ms. Bock, I'm going to show you this text
16 message chain, and it's a chain between you and Mr. Watson
17 that same day that you wired him \$15,000 on January 10th,
18 2022; Is that right?

19 A. Yes.

20 Q. I'll start with the first text, which is a text that you
21 sent to him at 11:43 a.m.; is that right?

22 A. Correct.

23 Q. And that's about an hour after you wired him that
24 \$15,000 from Feeding Our Future; is that right?

25 A. Appears to be.

1 Q. Okay. And you said to Mr. Watson -- well, why don't you
2 read it.

3 A. "Paid you 26,000 since Friday and I can't even get
4 talked to with respect. You don't like me, fine. You don't
5 love me, fine. But god damn respect me. I've earned at
6 least that."

7 Q. And then about half an hour later you sent another text
8 message to Mr. Watson; is that right?

9 A. It is.

10 Q. It looks like you are referring to the project at
11 Feeding Our Future?

12 A. Incorrect. It was in the basement of my home.

13 Q. What did you say to Mr. Watson?

14 A. That I had to -- "I have to tear out the fucking
15 sheetrock and then pay to have it redone. I told you the
16 plumbing needed to be done first. Bitch at me about money.
17 And I have to pay to have work done multiple times."

18 Q. And you were paying him to have work done?

19 A. I was not. I paid a plumber and I paid a sheetrocker.

20 Q. And then at 1:33 that afternoon you sent Mr. Watson
21 another text message; is that right?

22 A. It is.

23 Q. What did you say to him?

24 A. I said, "Happy car shopping. I hope you find one you
25 like."

1 As I said, I knew he was in the market for the
2 car. The Tesla had been towed four times due to a dead
3 battery. I didn't know if or when he was going to purchase
4 one because he had been looking for two weeks.

5 Q. He actually -- it turns out he bought one that
6 afternoon; is that right?

7 A. He did.

8 Q. That same day you wired him \$15,000?

9 A. The same day I paid for the project that was supposed to
10 be done on the second floor.

11 Q. And there's the wire. At page 446 of Government
12 Exhibit W46 is the \$15,000 wire transfer that you had sent
13 to Mr. Watson earlier that day, correct?

14 A. That's the day in time it posted. I don't know from
15 this when it was sent.

16 Q. Okay. And if I page down five pages to Government
17 Exhibit 46 at page 451, about three hours after you wished
18 him happy car shopping, Mr. Watson obtained a \$10,000
19 cashier's check; is that right?

20 A. Appears to be, yes.

21 Q. Paid to the order of Mercedes-Benz of St. Paul?

22 A. That's what it says.

23 Q. A successful car shop?

24 A. Seems like it.

25 Q. And directing your attention to Government Exhibit BB15,

1 this is the purchase agreement for that car that he bought
2 that was recovered during the search of your home; is that
3 right?

4 A. Yes. That was returned and has since been totaled.

5 Q. And the purchaser here is Empress Watson?

6 A. It is.

7 Q. The address listed is your house?

8 A. That's where he lived.

9 Q. The date, January 10th, 2022?

10 A. Correct.

11 Q. That same day?

12 A. Yes.

13 Q. And there at page 4 is the \$10,000 cashier's check that
14 he purchased from Handy Helpers using the money you sent him
15 that day?

16 A. Using the money that was paid for construction projects.

17 Q. So, Ms. Bock, you -- that text message chain with
18 Mr. Watson continued; is that right?

19 A. (No response.)

20 Q. And later that evening -- this is page 3 of Government
21 Exhibit BB41h. This is at 7:56 p.m., shortly after --
22 around the time he bought the car. You sent Mr. Watson
23 another message; is that right?

24 A. It is.

25 Q. What did you say in the first line?

1 A. "The reality is I honestly believe you love the life I
2 can afford you as opposed to loving me."

3 Q. The life that you can afford for him is the life funded
4 by Handy Helpers; is that right?

5 A. Not what I was referring to.

6 Q. And then you continue, "If you actually love me, you
7 would show me respect. You wouldn't break up with me. You
8 would be home. You would have stayed sober like you
9 promised. You would work. You would hire people that work
10 when you don't. Instead, we pay your friends to do what
11 exactly?" Hang out with you? How does that get us ahead?
12 Build us a future? Make us money?"

13 A. That's what it says.

14 Q. The friends that you paid, those were the friends that
15 received payroll checks from Handy Helpers that you were
16 referring to?

17 A. Those were the friends that completed the jobs at
18 Feeding Our Future. In this case I was angry that they
19 weren't seeking out other work and expanding the company.

20 Q. Okay. And you said, down below here, "I've said before
21 and I'll say again, actions speak louder than words. Your
22 actions tell me you love money. You love the money I give
23 you." Is that right?

24 A. Yes. That's why you shouldn't work with people you
25 know, because I would hold it over his head.

1 Q. You weren't happy with his performance at Handy Helpers?

2 A. Incorrect. The work was getting done, the office spaces
3 were being added, and the quality of the work being done was
4 good. If I was unhappy, I would have terminated him and
5 replaced him.

6 Q. And then you wouldn't have had a Mercedes on
7 January 10th, though?

8 A. I never drove -- I drove that car once. I do not
9 like -- I'm not a fancy car person. I had my car that I
10 drove.

11 Q. You had a Volkswagen?

12 A. I did.

13 Q. Your boyfriend had a Mercedes?

14 A. Yes.

15 Q. He had a Tesla at one point?

16 A. He had vehicles.

17 Q. You had a Porsche?

18 A. I purchased the balance of a Porsche to trade in for my
19 son's car.

20 Q. You rented a Lamborghini Aventador not once, but twice?

21 A. I did not.

22 Q. Your boyfriend rented it while you were on vacation in
23 Las Vegas?

24 A. That's correct.

25 Q. Rented a Lamborghini Urus as well for 24 hours?

1 A. He rented a variety of cars.

2 Q. Rented a Rolls-Royce?

3 A. He rented a variety of cars. I don't recall what they
4 all were.

5 Q. But you don't like cars?

6 A. I don't, no.

7 Q. Now, when you -- after this case became public, you --
8 in that press review I was talking about earlier, one of
9 them, you talked about how the board of directors approved
10 everything when you retained Handy Helpers; is that right?

11 A. That's right.

12 Q. The board of directors had concluded that they were the
13 best for the job; is that right?

14 A. Based on the availability, yes.

15 Q. And I want to talk to you about the board of directors,
16 because there seems to be some uncertainty as to who is and
17 who is not a member of the board of directors. Okay?

18 A. Okay.

19 Q. And I'm going to show you what's been admitted as
20 Government Exhibit A3, which is a series of org charts for
21 Feeding Our Future; is that right?

22 A. Correct.

23 Q. A list of the front office employees at the company?

24 A. Sorry. My eyes are so bad. Yes, it lists the board.

25 Q. Okay. And the board here -- it lists three board

1 members; is that right?

2 A. It does.

3 Q. The first board member is Ben Stayberg, correct?

4 A. Correct.

5 Q. Now, Ben Stayberg was a guy you met at a bar, correct?

6 A. I had met through friends.

7 Q. Okay. He was a bartender by trade?

8 A. He was a bartender at a restaurant, as well as an
9 electrician.

10 Q. Okay. And he never served on a board before, correct?

11 A. I don't know his prior experience.

12 Q. He testified at trial that he had nothing to do with
13 Feeding Our Future; is that right?

14 A. That's what he said.

15 Q. He said he wasn't a member of the board?

16 A. That was what he said.

17 Q. I think when he was shown this org chart listing him as
18 the board president, he quipped "big shoes" and said he knew
19 nothing about it; is that right?

20 A. That's what he said, but as I've said, when he was
21 copied on the serious deficiency notices, we had calls and I
22 had discussed information with him on prior occasions
23 regarding the company.

24 Q. It's funny, Ms. Bock, you say that. Mr. Stayberg, he
25 said he learned he was on the board when a *New York Times*

1 reporter came to his house; is that right?

2 A. That's what he said, which confused me because he had
3 received multiple certified letters and we had had
4 conversations.

5 Q. Well, it's funny, you know, that -- you never emailed
6 him, though?

7 A. No. We don't communicate by email.

8 Q. He didn't have a Feeding Our Future email account?

9 A. There was one set up.

10 Q. I looked through your email before we came to court here
11 today, the government searched your email. You know this?

12 A. I do.

13 Q. There's about 35,000 emails in your whole
14 aimee@feedingourfuture account. Does that sound right?

15 A. I'll trust you.

16 Q. Not a single email sent to Ben Stayberg?

17 A. No.

18 Q. Your board president?

19 A. No.

20 Q. Not one?

21 A. No.

22 Q. You agree?

23 A. I agree.

24 Q. Not a single email from Ben Stayberg to you?

25 A. Not that I recall.

1 Q. Not once did your board president email you?

2 A. We don't communicate by email.

3 Q. Okay. The second board member, John Senkler, he too
4 said he knew nothing about being on the board of directors
5 at Feeding Our Future. Do you recall that?

6 A. He actually, as I recall, said he recall -- that he had
7 agreed to be on the board.

8 Q. But nothing ever came of it. He never attended a board
9 meeting, he said?

10 A. As I said, they were informal. We discussed the
11 business. He's also had some pretty severe issues
12 medically, so I would not be surprised that his memory isn't
13 spot on.

14 Q. Are you saying he's lying?

15 A. I'm not saying he's lying.

16 Q. Are you saying he was actually the secretary of your
17 board of directors?

18 A. I'm saying that he was on the board of directors and I
19 had several conversations with him regarding Feeding Our
20 Future.

21 Q. So you didn't have a single -- I looked at your email
22 again. John Senkler did not have a Feeding Our Future email
23 account, correct?

24 A. No.

25 Q. Your board secretary?

1 A. Correct.

2 Q. You didn't send him a single email about Feeding Our
3 Future business ever?

4 A. No. As I said, it was all informal conversations.
5 There was no emails with any of them, I don't believe.

6 Q. Okay. He didn't send you a single email, John Senkler,
7 about being the secretary of the board of directors?

8 A. I don't recall him sending me an email. However, he did
9 connect us with several organizations.

10 Q. You never sent him anything to review, correct, related
11 to Feeding Our Future business?

12 A. No, I would not send it by email.

13 Q. A contract or board minutes, filings, nothing, correct?

14 A. It would be discussed in person.

15 Q. Okay. Jamie Phelps, similarly, listed as the board
16 treasurer?

17 A. Correct.

18 Q. He testified at trial?

19 A. He did.

20 Q. He works for the park and rec in Eagan?

21 A. City of Eagan. I don't --

22 Q. He may not have mentioned it, but he never served as a
23 board member, correct?

24 A. No. He said he remembers agreeing to be on the board
25 and that it was discussed.

1 Q. He said he never actually was on the board, correct, he
2 didn't attend meetings?

3 A. I don't recall that testimony.

4 Q. You are not suggesting he did attend meetings, are you?

5 A. I'm suggesting that, like I've said, I did have informal
6 conversations with him regarding Feeding Our Future.

7 Q. I'm going to show you -- well, let's talk about that,
8 because I think -- you talk about informal conversations.
9 Your board minutes that you -- Feeding Our Future had on
10 file minutes of various board meetings of the board of
11 directors; is that right?

12 A. Yes. We have to record, so I would summarize it.

13 Q. Okay. And these were admitted into evidence as
14 Government Exhibit A80; is that right?

15 A. Correct.

16 Q. And this first one here is on the -- according to the
17 minutes, it's on November 1st of 2018; is that right?

18 A. Correct.

19 Q. A special meeting of the board of directors at
20 11:00 a.m.?

21 A. That was the time I completed the form.

22 Q. A conference call?

23 A. That's what I put.

24 Q. Okay. But there wasn't -- that's what you put. There
25 wasn't actually a conference call board meeting, was there?

1 A. As I said, it was informal conversations.

2 Q. So when you said that there was a board meeting that
3 commenced at -- it was called to order at 11:02 a.m. on
4 November 1st, 2018, that wasn't right, correct?

5 A. That was a summary. This whole form is a summary of the
6 conversations I had had.

7 Q. But not actually a board meeting, correct?

8 A. Not in the formal sense that everyone came and met
9 around a table. It was an informal board.

10 Q. And in these -- there was no board meeting when Ben
11 Stayberg was proposed as a new board member, correct?

12 A. I had presented it to all of them.

13 Q. He wasn't interested in being the board of -- chair of
14 your board of directors, correct?

15 A. Incorrect.

16 Q. He doesn't have extensive knowledge of food sourcing and
17 food costs, does he?

18 A. I would disagree with that. He had been a general
19 manager of a Champps for a number of years, which deals a
20 lot with food sourcing and food costs to make profits on the
21 meals they serve.

22 Q. So when he testified to that, he was lying?

23 A. I didn't say he was lying. I said my impression, I
24 believe he has extensive knowledge because of his history as
25 a manager of a large restaurant.

1 Q. All right. Let's turn to the next one, page 3. There's
2 another board meeting minutes that you filled out on -- for
3 a board meeting that purportedly occurred on January 14th of
4 2019; is that right?

5 A. Correct.

6 Q. At 8:41 a.m.?

7 A. That's what it says.

8 Q. This one was a regular meeting, so in person; is that
9 right?

10 A. No. It was a regular discussion over regular topics.

11 Q. The location listed is your house in Rosemount?

12 A. That's where I was when completed the form.

13 Q. That's not where the meeting occurred, correct?

14 A. No. As I said, all of the meetings were informal.

15 Q. Okay. So this was just fake. You made up when you said
16 the meeting was called to order at 8:41 a.m. on
17 January 14th, 2019. That's not true, you agree?

18 A. I would disagree that the information is fake. The
19 time -- the location is where I recorded it at. The meeting
20 called to order, that's the time.

21 Q. And on page 5 of the proposed minutes, it says
22 respectfully submitted by Ben Stayberg, the chair of the
23 board of directors, correct?

24 A. It says that.

25 Q. Now, that's not his handwriting, is it?

1 A. I don't know.

2 Q. That's your handwriting, isn't it?

3 A. Absolutely not.

4 Q. That's not his signature?

5 A. I don't know. I don't know what his signature looks
6 like.

7 Q. Didn't you just say that you filled this form out?

8 A. I filled out the typed information. I did not -- none
9 of that is my handwriting. I did not put that in there.

10 Q. Someone else did?

11 A. Appears so.

12 Q. Not Ben Stayberg?

13 A. I don't know if he did or not. I doubt it.

14 Q. Because he never attended a board meeting, is that why
15 you doubt it?

16 A. No. Because the meetings were informal.

17 Q. Okay. So someone magically put this form together --
18 you filled out the form, but someone magically signed it
19 that wasn't Ben Stayberg?

20 A. We've seen my handwriting. I write in all capital
21 letters. I don't write that way.

22 Q. So if I look -- actually, if I look at page 3, there's a
23 roll call of people that purportedly attended this meeting
24 and it was Ben Stayberg, Jamie Phelps and you, correct?

25 A. Those were the people I had discussed with.

1 Q. Presumably one of you signed that?

2 A. Not necessarily.

3 Q. Okay. Someone else might have signed it?

4 A. Correct. These documents are gathered as part of the
5 routine file checklist, so it is possible someone saw it
6 unsigned and signed it.

7 Q. Well, that's strange because it's actually dated the day
8 of the meeting, January 14th, 2019; is that right?

9 A. It's the same date, but people can write any date at any
10 time.

11 Q. It is a mystery to me.

12 All right. There's another one here January 22nd
13 at 2022 --

14 MR. UDOIBOK: Your Honor?

15 Q. -- a regular meeting.

16 MR. UDOIBOK: May we approach, Your Honor?

17 THE COURT: You may approach.

18 **(Sidebar discussion)**

19 THE COURT: Mr. Udoibok.

20 MR. UDOIBOK: Can you hear me?

21 THE COURT: Yes.

22 MR. UDOIBOK: Okay. I'm just requesting that
23 Mr. Thompson restrict his role here to asking questions and
24 not make those comments. It's inappropriate. And I haven't
25 made any comment to you. I made a comment earlier. It

1 seems as if he's not going to listen.

2 THE COURT: Agreed. Ask questions. No comment.

3 (In open court)

4 BY MR. THOMPSON:

5 Q. All right. Ms. Bock, on page 5 there's another -- board
6 minutes of another board meeting that you attended, correct?

7 A. Yes, correct.

8 Q. This one is at Feeding Our Future?

9 A. That's where I was when I filled in the form.

10 Q. Okay. You filled in the form?

11 A. Yes, I typed it up.

12 Q. It says the meeting was at Feeding Our Future, correct?

13 A. That's where I was when I completed the form.

14 Q. And Ben Stayberg was not there, correct?

15 A. As I said, they were informal conversations.

16 Q. But he's listed as present, correct? Just yes or no.

17 A. Because I had a conversation with him, yes.

18 Q. Jamie Phelps is listed as present?

19 A. Again, we had a discussion regarding the company and the
20 topics, so he was marked as present.

21 Q. Okay. But he wasn't actually at Feeding Our Future, the
22 location of this meeting of the board of directors, was he?

23 A. As I've said, they were informal conversations.

24 Q. These are minutes of a board meeting. You know what a
25 board meeting is, correct?

1 A. I do.

2 Q. Now, Ms. Bock, yesterday you at length told us about how
3 you are a stickler for the rules and the regulations,
4 correct?

5 A. Correct.

6 Q. You've got to follow the rules, right?

7 A. Right.

8 Q. You have to follow the laws?

9 A. Yes.

10 Q. In fact, you said you had to -- by contract, you had to
11 appeal when MDE denied further participation of Safari,
12 S & S Catering and these other for-profit entities in the
13 summer of 2021; is that right?

14 A. We have to follow the agreement.

15 Q. You had to follow the agreement.

16 Now, it's funny because all that rigid adherence
17 to the rules appears not to have applied when it comes to
18 the minutes of your board of directors meetings of your
19 nonprofit, Feeding our Future. Would you agree?

20 A. These were internal notes that reflected the
21 conversations that were had with individuals. COVID times,
22 people were not wanting to gather, especially not to have
23 meetings. And so, as I've said, I had informal
24 conversations with all of them at multiple times. These are
25 a summary of those meetings.

1 Q. But that's definitely not what the thing says, correct?

2 A. No. As I've said, this is an internal document.

3 Q. These are board of directors meeting minutes, correct?

4 Not informal notes, you would agree?

5 A. It says it's a board meeting minute, but they are the

6 minutes of the conversations that I had with the

7 individuals.

8 Q. You said during COVID times?

9 A. Correct.

10 Q. And this -- when did COVID start?

11 A. This was 2019, but, again, this was informal. It has

12 always been a very informal board that we were working on

13 growing and --

14 Q. That had nothing to do with COVID?

15 A. This particular one, no.

16 Q. The one -- the other ones we've looked at so far were

17 also in 2018 and 2019. COVID didn't even exist at that

18 point, correct?

19 A. At this point, no. But as I've said, it was an informal

20 board that had informal meetings.

21 Q. Now, these board members, though -- Ben Stayberg

22 testified here that he didn't go to a single board of

23 directors meeting and he knows nothing about these minutes,

24 correct?

25 A. Because he was not at a meeting. It was an informal

1 conversation and he wouldn't have seen this.

2 Q. In fact, I think when he was asked and he's -- even
3 though his signature appears here on page 6, when asked if
4 he knew what minutes of a board of director meeting was, if
5 I recall correctly, what he said was, Yeah, the minutes,
6 that's how many minutes the meeting lasted, correct, that's
7 what his understanding of what --

8 A. I don't recall what he said.

9 Q. That's what he testified to. He knew nothing about
10 this, correct?

11 A. That's what he said?

12 Q. And, in fact, he wasn't -- he never actually attended a
13 board of directors meeting minute -- or meeting for Feeding
14 Our Future, correct?

15 A. As I've said, they were informal conversations at
16 various times with each of them regarding what was happening
17 at the company.

18 Q. Jamie Phelps similarly never once attended a meeting of
19 the board of directors of Feeding Our Future, correct?

20 A. Again, as I've said, they were all informal
21 conversations.

22 Q. That's not what the minutes say, but that's what you are
23 saying -- that's what your testimony is, correct?

24 A. These are documenting that I had had conversations and
25 updated each of them.

1 Q. But just to be clear, on March 22nd, 2020, at 8:55 a.m.,
2 no one called to order a meeting of the board of directors
3 for Feeding Our Future, correct?

4 A. No. This is when I completed the information.

5 Q. And there was no roll call taken?

6 A. There was roll call in the sense that I had met with and
7 discussed information with each of them regarding the
8 company.

9 Q. But no roll call in the meaning of the actual phrase
10 "roll call," correct?

11 A. Well, if I'm meeting with one, roll call is with Ben.
12 Again, in a meeting with John, the roll call would be John.

13 Q. There was no approval of the agenda, correct? Those
14 guys weren't voting on a budget, correct?

15 A. It was discussed with each of them and each of them
16 indicated they approved, so that was what was recorded.

17 Q. Jamie Phelps didn't know anything about the budget of
18 Feeding Our Future, correct?

19 A. I don't know what he knew.

20 Q. So when he testified that he hadn't been to this
21 meeting, knew nothing about it, was he lying?

22 A. As I said, I had met informally with them.

23 Q. Okay. And, again, here on page 8, you don't know who
24 signed Ben Stayberg's name on this minutes, correct?

25 A. No. That's not my writing. My writing doesn't slant

1 that way.

2 Q. Okay. All right. You said those -- okay. You agree
3 with me there was no actual formal meeting of the board of
4 directors, correct? That's yes or no.

5 A. Correct. They were informal.

6 Q. And you never emailed any of them, correct?

7 A. No, they did not use email.

8 Q. Jamie Phelps you never emailed?

9 A. Not that I recall.

10 Q. John Senkler?

11 A. Not that I recall.

12 Q. You never emailed Ben Stayberg?

13 A. Not that I recall.

14 Q. I'm showing you now Government Exhibit A76. You talked
15 about having these informal conversations, but that doesn't
16 seem consistent with what you told your accountant in the
17 fall of 2021.

18 In this email here, you sent it to Hussein Hashi
19 at Hashi CPA; is that right?

20 A. Correct.

21 Q. And that's an accounting firm?

22 A. Correct.

23 Q. Trying to get your taxes done; is that right?

24 A. I believe, yes, he was doing the taxes.

25 Q. And he had some questions for you about your board

1 members; is that right?

2 A. He asked for the list.

3 Q. All right. And you gave it to him?

4 A. I did.

5 Q. And you listed Ben Stayberg?

6 A. Correct.

7 Q. Jamie Phelps?

8 A. Correct.

9 Q. John Senkler?

10 A. Correct.

11 Q. Okay.

12 A. And Ali Egal.

13 Q. And you told him they are not compensated. That's true,
14 correct, you didn't pay them?

15 A. No, the board can't be paid.

16 Q. And you said they spent minimal hours per week, maybe
17 five or so?

18 A. Correct.

19 Q. Now, Ben Stayberg never spent five hours a week on
20 Feeding Our Future business, did he?

21 A. I don't know what he spent it on, but no.

22 Q. Okay. Jamie Phelps never spent five hours a week on
23 Feeding Our Future business --

24 A. No.

25 Q. -- correct?

1 And John Senkler never spent five hours a week on
2 Feeding Our Future business?

3 A. No.

4 Q. That is what you told your accountant, correct?

5 A. I said that they spend minimal hours. Yeah, I put an
6 estimate in there.

7 Q. An estimate that was wrong, correct?

8 A. Correct.

9 Q. And that email was -- you sent it to him on October 5th
10 of 2021; is that right?

11 A. Correct.

12 Q. And Mr. Hashi responded a couple weeks later in what's
13 been admitted as Government Exhibit A77; is that right?

14 A. Yes.

15 Q. And he attached certain tax forms for Feeding Our
16 Future?

17 A. He did.

18 Q. These were important forms; is that right?

19 A. They were the 990.

20 Q. And they get sent to the Internal Revenue Service, the
21 IRS?

22 A. Correct.

23 Q. Important that they are accurate?

24 A. Yes.

25 Q. And he asked you to review them and let him know if you

1 have any questions or concerns before he submitted them to
2 the IRS, correct?

3 A. Correct.

4 Q. And here's the -- page 2 is the 990 form, which is an
5 IRS form, correct?

6 A. Correct.

7 Q. For nonprofits?

8 A. Yes, that's a tax return.

9 Q. You're listed as the contact person on this form,
10 correct?

11 A. Correct.

12 Q. You were signing this form as the executive director of
13 Feeding Our Future?

14 A. Correct.

15 Q. I'm directing your attention to page 8, which is on this
16 Form 990 that was submitted to the IRS, and it lists -- this
17 is the section that lists the officers, directors and key
18 employees of the company; is that right?

19 A. Correct.

20 Q. And it lists the members of the board as well as
21 yourself and the average hours per week that they worked at
22 the company; is that right?

23 A. Related to the organization, yes.

24 Q. Okay. And said you worked 40 hours a week for Feeding
25 Our Future, correct?

1 A. I did.

2 Q. For Ben Stayberg it says that he worked five hours a
3 week for Feeding Our Future on average, correct?

4 A. That's what it says.

5 Q. Not true, though?

6 A. No. This is how I had been advised. I had been on
7 boards for years and it always reflected five hours. That
8 was just how I had been told to report it.

9 Q. Someone told you to list fake board members with fake
10 number of hours?

11 A. They are not fake board members. Those hours are
12 estimated. And, yes, I had been told in my previous work on
13 different boards that we would put five hours.

14 Q. Okay. Did those boards have actual board meetings?

15 A. Some of them. Not all.

16 Q. Okay.

17 A. Some were informal.

18 Q. Did they have the real signature from the board
19 president on the minutes or did someone just fill --

20 A. I did not review the minutes.

21 Q. You don't know.

22 Jamie Phelps, it says here, based on what you told
23 Mr. Hashi, that he worked five hours on average per week,
24 correct?

25 A. Correct.

1 Q. And John Senkler five hours per week, correct?

2 A. Correct.

3 Q. That's not true, correct?

4 A. Not at that -- not always.

5 Q. Not ever?

6 A. I wouldn't agree with that.

7 Q. They all testified clearly they never spent five hours
8 on Feeding Our Future in a week or ever, correct?

9 A. That's what they said.

10 Q. Are you saying they're lying?

11 A. I am not saying they're lying.

12 Q. I'm going to direct your attention to page 27, which has
13 some supplemental information for this tax form.

14 A. Yes.

15 Q. And it says, it starts off, and it says,
16 "Organization's" -- Feeding Our Future's -- "board of
17 directors meets regularly to approve all the activities and
18 monitors the progress of the operations." That's what it
19 says?

20 A. It does.

21 Q. A tax return -- or a tax form that you signed?

22 A. Correct.

23 Q. That you submitted to the IRS?

24 A. Correct.

25 Q. That's not true, though, is it?

1 A. I would disagree. As I said, I met with them all
2 informally. The law requires three meetings a year, but I
3 had discussions with them more frequently than that.

4 Q. It says here that the financial statements of Feeding
5 Our Future are presented to the board of directors for
6 review and approval prior to the filing of the Form 990,
7 correct?

8 A. Correct.

9 Q. That wasn't true, was it?

10 A. No, it was true.

11 Q. You hadn't presented financial statements to Ben
12 Stayberg ever, correct?

13 A. I had showed them to --

14 Q. Or John Phelps.

15 A. They had been shown.

16 Q. They had been shown?

17 A. Yes.

18 Q. It says that, "The organization has adopted and
19 instituted conflict of interest policies that has been
20 provided to all board members and employees. The management
21 and board members monitors to ensure consistent compliance
22 with the organization's conflict of interest policies."
23 Correct?

24 A. Correct.

25 Q. Now, that's not true. The board members never received

1 a conflict of interest policy, did they?

2 A. It was discussed.

3 Q. They never received one, correct?

4 A. I don't recall if it was printed and given to them.

5 Q. And it says, "Compensation for all management and key
6 employees is determined by the board members who perform
7 research to ensure that compensation are in line with other
8 comparable organizations in similar areas of operation and
9 financial capacity."

10 A. That's what it says.

11 Q. Now, the board never did that, correct?

12 A. Incorrect. We had a 2019 nonprofit compensation report
13 that was discussed.

14 Q. Ben Stayberg, to be clear, never received a copy of
15 that?

16 A. It's several hundred pages long. So they were shown
17 relevant portions.

18 Q. It was never sent to him?

19 A. No.

20 Q. Never emailed to him?

21 A. No. As I said, they were informal.

22 Q. Never shown or presented at a board meeting, an actual
23 board meeting with people in a room meeting?

24 A. As I've said, they were all informal.

25 Q. Also attached, beginning at page 31, there's a 2020

1 Form 990, correct?

2 A. Correct.

3 Q. For Feeding Our Future?

4 A. Correct.

5 Q. It has similar information about the board, correct?

6 A. Correct.

7 Q. Again saying that Jamie Phelps, Ben Stayberg, John
8 Senkler all spent an average of five hours a week working
9 for Feeding Our Future as board members --

10 A. Correct.

11 Q. -- despite their claims to not have been involved at
12 all?

13 A. They've all acknowledged they were members of the board.

14 Q. And at page 57, again there's statements that the board
15 of directors meets regularly. But actually there were no
16 actual meetings, correct?

17 A. There were informal.

18 Q. And that the financial statements were presented to the
19 board of directors for review and approval.

20 A. They were --

21 Q. That never happened, correct?

22 A. They were discussed.

23 Q. They never actually saw or were presented with the
24 financial statements?

25 A. That I don't recall.

1 Q. The board never actually reviewed, adopted or instituted
2 a conflict of interest policy, correct?

3 A. As I said before, it was discussed. I don't recall if
4 it was printed and given.

5 Q. Okay. It's not the only tax form that you submitted
6 using these gentlemen's names, correct?

7 A. (No response.)

8 Q. On Government Exhibit A5 you submitted a charity
9 registration for Feeding Our Future, correct?

10 A. Correct.

11 Q. And on page 4, it looks like you filled this out; is
12 that right?

13 A. Yes, this is my handwriting.

14 Q. Okay. And on page 7 it lists Benjamin Stayberg and
15 Jamie Phelps as the board of directors, correct?

16 A. It does.

17 Q. Also in your handwriting?

18 A. The printed part. Not my signatures.

19 Q. They didn't sign that, though?

20 A. I believe they did.

21 Q. If they said they did not, were they lying?

22 A. I don't recall.

23 Q. Well, if Jamie Phelps said he did not, was he lying?

24 A. No, I don't believe he was lying.

25 Q. If Benjamin Stayberg said that wasn't his signature,

1 would he be lying?

2 A. He would not. I don't know.

3 Q. Because it's not his signature?

4 A. I don't know whose signature it is.

5 Q. You just filled out the form?

6 A. Yes, that's my handwriting.

7 Q. And sent it to the Minnesota Attorney General's office?

8 A. Correct.

9 Q. Ms. Bock, I want to show you one more thing.

10 (Counsel confer)

11 BY MR. THOMPSON:

12 Q. Ms. Bock, when you were -- in the spring of 2021 -- I
13 want to come back to MDE -- MDE was trying to kick Feeding
14 Our Future out of the Federal Child Nutrition Program; is
15 that right?

16 A. I disagree.

17 Q. They filed a serious deficiency notice related to
18 Feeding Our Future; is that right?

19 A. It is.

20 Q. And one of the effects of that was potentially barring
21 your company from the program going forward; is that right?

22 A. That's the standard process. It's a form.

23 Q. And that's what they were trying to do, correct?

24 A. No. They were informing me that if we did not respond
25 and correct, the result could be termination.

1 Q. And you filed a response to that, right? You submitted
2 some information to MDE to try to stop them from finding
3 your entity -- you and your entity seriously deficient,
4 correct?

5 A. No. We're required by law -- they had found us
6 seriously deficient, and we were required by law to answer
7 the questions that were asked in there.

8 Q. So you did?

9 A. Correct.

10 Q. Okay. And I'm going to show you now what's been marked,
11 but not yet admitted, as Government Exhibit R5.

12 Ms. Bock, Government Exhibit R5 is an email that
13 you sent to MDE on April 30th, 2021; is that right?

14 A. It is.

15 Q. And there's a series of attachments to it, correct?

16 A. Correct, the requested information.

17 Q. And I'll tell you that one of these attachments is
18 titled Financial Management Policy.PDF; is that right? It's
19 the second one on there.

20 A. Yes.

21 Q. And that one is actually attached to the exhibit. Okay?

22 A. Okay.

23 MR. THOMPSON: Your Honor, I'm going to move to
24 admit Government Exhibit R5.

25 THE COURT: Any objection?

1 MR. UDOIBOK: No objection.

2 MR. MONTEZ: No objection.

3 THE COURT: R5 is admitted.

4 MR. THOMPSON: Thank you, Your Honor.

5 BY MR. THOMPSON:

6 Q. All right. So, Ms. Bock, this is your response to MDE's
7 March 31st serious deficiency letter, correct?

8 A. Correct.

9 Q. And you sent this to MDE?

10 A. I did.

11 Q. Attaching the requested documentation --

12 A. That's correct.

13 Q. -- correct?

14 A. Yes.

15 Q. And one of the attachments is called a Financial
16 Management Policy.PDF, correct?

17 A. That's correct.

18 Q. And starting at page 2 of Government Exhibit R5, is that
19 the attachment --

20 A. It is.

21 Q. -- that you sent to MDE in response to their serious
22 deficiency?

23 A. Correct.

24 Q. And it's titled Financial Management Policies and
25 Procedures; is that right?

1 A. It is.

2 Q. And you listed the purpose of them is to establish
3 guidelines for developing financial goals and objectives,
4 making financial decisions, reporting the financial status
5 of Feeding Our Future and managing Feeding Our Future's
6 funds; is that right?

7 A. That is.

8 Q. To be clear, one of MDE's concerns was about Feeding Our
9 Future's management of their funds, correct?

10 A. I would disagree.

11 Q. They were concerned that you had lost your nonprofit
12 status, correct?

13 A. They had misunderstood. We never lost our status.

14 Q. They were concerned about a missing financial audit?

15 A. It was completed and they had it. It just wasn't posted
16 on a website.

17 Q. They were concerned about the extraordinary growth --

18 A. They asked us --

19 Q. -- of Feeding Our Future?

20 A. Excuse me. They asked us how -- to explain how we were
21 managing the growth.

22 Q. And so this is one of your explanations, correct?

23 A. Correct.

24 Q. Okay. And it starts here, the second section, the first
25 section after the purpose is the -- a section titled

1 Financial Responsibilities; is that right?

2 A. It is.

3 Q. And you tell MDE, "It is the responsibility of the board
4 of directors to formulate financial policies and review
5 operations and activities on a periodic basis." Is that
6 right?

7 A. Correct. This had been submitted as part of the
8 management plan, and that part had not changed. So those
9 policies were developed probably in 2017.

10 Q. Okay. And the responsibility of the board of directors
11 is what you said, correct?

12 A. Correct.

13 Q. And you went on to say that that responsibility had been
14 delegated to the treasurer of the board of directors; is
15 that right?

16 A. Correct.

17 Q. And that was -- the treasurer was Jamie Phelps; is that
18 right?

19 A. Yes.

20 Q. Okay. But he actually had nothing to do with this,
21 correct?

22 A. With --

23 Q. Overseeing the financial responsibility. He didn't
24 formulate financial policies and review operations and
25 activities on a periodic basis, did he?

1 A. The policies had already been established and they were
2 reviewed, not by him, but by others.

3 Q. Okay. So it wasn't really delegated to the treasurer of
4 the board; is that what you are saying?

5 A. The board --

6 Q. I'm pointing your --

7 A. Yeah, I see it. That part, no, not at that time.

8 Q. Okay. There's also here -- there's a conflict of
9 interest part, is that right --

10 A. Right.

11 Q. -- or paragraph?

12 A. Yes.

13 Q. And it says, "Members of the board of directors" -- and
14 that includes you, right?

15 A. Correct.

16 Q. -- "are prohibited from activities that might present
17 conflicts of interest?" Correct?

18 A. Correct.

19 Q. "The powers of directorship may not be used to
20 personally benefit the director at the corporation's
21 expense."

22 A. Correct.

23 Q. "If a director has a financial interest in a corporate
24 transaction, the director must fully disclose the interest
25 and abstain from voting." Correct?

1 A. Correct.

2 Q. You agree with me the Handy Helpers contract would have
3 fallen within this conflict of interest provision?

4 A. Yes. And as I said, it had been discussed. It was also
5 presented to the leadership within the company.

6 Q. But not the board of directors?

7 A. I discussed it with them.

8 Q. At one of the meetings that never occurred?

9 A. There were informal meetings that were held.

10 Q. Okay. And -- okay. Those are the meetings that
11 Mr. Stayberg, Senkler and Phelps said never happened or they
12 never attended, correct, those meetings?

13 A. They said they never attended a board meeting. There
14 were informal conversations had with each of them regarding
15 the various topics.

16 Q. They didn't recall those either, though, did they?

17 A. I don't recall them saying that.

18 Q. The next paragraph at page 3 here, you have a paragraph
19 to MDE that says, "The budgeting process," and then it says,
20 "The entire board must approve the budget." Correct?

21 A. Correct.

22 Q. "The Feeding Our Future's executive director, accountant
23 and treasurer shall be responsible for presenting to the
24 board of directors and other board committees an annual
25 operating budget draft 60 days prior to the end of the

1 fiscal year and 30 days prior to its submission to the board
2 of directors." Is that right? That's what it says?

3 A. That's what it says, yes.

4 Q. That never happened?

5 A. I'm trying to read it. Sorry.

6 (Pause)

7 A. That is what it says.

8 Q. It never happened, though, correct?

9 A. I would not agree with that.

10 Q. Mr. Phelps, Mr. Stayberg, they never got a copy of an
11 operating budget draft, correct?

12 A. It was never sent to them. However, again, as I've
13 said, we did have discussions around it.

14 Q. It wasn't presented to them 60 days prior to the end of
15 the fiscal year, 30 days prior to its submission to the full
16 board of directors?

17 A. Not formally, no.

18 Q. Okay. So that's just not true, what you told MDE,
19 correct?

20 A. I wouldn't say it's not true. As I said, we were
21 working on rebuilding the board. I was working with the
22 Minnesota Council for Nonprofits to strengthen the board
23 because they're supposed to be independent, and so I was
24 seeking help growing the board and replacing members.

25 Q. Okay. And this -- to be clear, at the time, though,

1 your board of directors was Jamie Phelps, Ben Stayberg, John
2 Senkler?

3 A. I believe there were others at this time. I could be
4 wrong.

5 Q. And this was in March -- April 30th of 2021?

6 A. Correct.

7 Q. So you -- when you were responding to MDE's concerns as
8 they tried to kick Feeding Our Future out of the Federal
9 Child Nutrition Program, you assured them you had a board of
10 directors that was operating, correct?

11 A. They were not trying to kick Feeding Our Future out of
12 the program. They had found us seriously deficient on some
13 different topics.

14 Q. Okay. And in response to that, you sent them this
15 document assuring them that Feeding Our Future had policies
16 and procedures in place to make sure that its financial
17 goals were being handled appropriately, correct?

18 A. Correct.

19 Q. And that it was being financially responsible?

20 A. Correct. And MDE reviewed the budget and bank accounts
21 on a regular basis.

22 Q. Ms. Bock, I'm not asking you about that. I'm asking you
23 about your board. Okay?

24 This was -- and I know you said you were trying to
25 rejigger or reconstitute the board, correct? Is that what

1 you said earlier?

2 A. I said we were working on developing and growing.

3 Q. Okay. This is April 30th, 2021; is that right?

4 A. Correct.

5 Q. And, again, four or five months later, in October 2021,
6 it looks like that process hadn't come to fruition yet. You
7 would agree?

8 A. I would agree that there was a new person added and that
9 I was continuing to look for others.

10 Q. Meanwhile, your board members, as they had been from day
11 one, included Ben Stayberg, who testified that he knew
12 nothing about this, correct?

13 A. Correct.

14 Q. John Senkler?

15 A. That is what they said.

16 Q. And Jamie Phelps?

17 A. That's what they said.

18 Q. Each of whom said they never once attended a Feeding Our
19 Future board meeting; is that right?

20 A. They acknowledged that there had been discussions.

21 Q. But they had never attended a meeting, correct?

22 A. As I said, they were all informal.

23 MR. THOMPSON: No further questions, Your Honor.

24 THE COURT: We'll take our morning break at this
25 time and return at 10:45.

1 All rise for the jury.

2 10:26 a.m.

3 **IN OPEN COURT**

4 **(JURY NOT PRESENT)**

5 THE COURT: You may step down. Thank you.

6 MR. MONTEZ: Can I have a brief moment before we
7 do that, Your Honor? We have an interpreter waiting.

8 THE COURT: You want to check with --

9 MR. MONTEZ: I'll be right back.

10 (Pause)

11 THE COURT: You may all be seated.

12 Mr. Said, sir, at some point today I expect that
13 Mr. Udoibok will rest his case -- I'm not certain about
14 that, but that's my expectation -- which then would turn to
15 your attorneys to present their case, which would lead to
16 your decision about whether to testify or not in this case.

17 As you know, I think, you have a constitutional
18 right to remain silent and no one can infer anything from
19 your remaining silent. And I would instruct the jury, if
20 you wanted me to, and emphasize, that the jury could not
21 take your silence into account if you decide not to testify.

22 On the flip side, you have a constitutional right
23 to take the stand if you wish and give up your right to
24 remain silent. That decision is yours and yours alone.

25 Your attorneys can advise you on it, but it's your decision

1 whether to testify or not.

2 Given what I've just told you about your rights in
3 the Constitution, what is your decision today?

4 DEFENDANT SALIM SAID: Your Honor, I will testify.

5 THE COURT: You want to give up your right to
6 remain silent and testify?

7 DEFENDANT SALIM SAID: Yes.

8 THE COURT: Mr. Montez, is there anything further
9 that you wish to put on the record?

10 MR. MONTEZ: Mr. Said, have we had an opportunity
11 to discuss the fact that you have a constitutional right to
12 remain completely silent throughout this trial?

13 DEFENDANT SALIM SAID: Yes.

14 MR. MONTEZ: You understand that the court would
15 specifically instruct the jury not to take your silence into
16 consideration at all?

17 DEFENDANT SALIM SAID: Yes.

18 MR. MONTEZ: Do you have any questions for me or
19 Mr. Colich before you make this very important decision?

20 DEFENDANT SALIM SAID: No.

21 THE COURT: All right. Thank you.

22 The next thing we'll do when we come back from the
23 break at 10:45 is that, Mr. Montez, you have the right to
24 cross-examine Ms. Bock or to examine Ms. Bock. Do you wish
25 to do that?

1 MR. MONTEZ: Very briefly.

2 THE COURT: All right. Then that's what we'll go
3 to, and then we'll go to Mr. Udoibok for any redirect.

4 MR. THOMPSON: I would like to flag --

5 THE COURT: Mr. Thompson, anything?

6 MR. THOMPSON: I don't know if this will come up
7 before lunch, but Defendant Said or his counsel have
8 indicated they might call one or two other witnesses in
9 addition to their client; and if so, we might have some
10 evidentiary issues to discuss with the court.

11 So I suspect we'll break after Ms. Bock is done
12 anyway, but I just wanted to flag that for Your Honor.

13 THE COURT: All right. Will you meet and confer
14 about them before so that you've done that?

15 MR. THOMPSON: We have.

16 MR. MONTEZ: We have, and we believe we have a lot
17 of it worked out already.

18 THE COURT: Okay.

19 MR. MONTEZ: But there may be an issue that the
20 court -- I think there's two issues the court will need to
21 address.

22 THE COURT: All right. We can address that after
23 Ms. Bock is done testifying.

24 MR. THOMPSON: Thank you.

25 THE COURT: Thank you, all.

1 We are in recess until 10:45.

2 (Recess taken at 10:31 a.m. till 10:48 a.m.)

3 10:48 a.m.

4 **IN OPEN COURT**

5 **(JURY PRESENT)**

6 THE COURT: You may all be seated.

7 Mr. Montez, examination of Ms. Bock?

8 MR. MONTEZ: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. MONTEZ:

11 Q. Good morning.

12 A. Good morning.

13 Q. I'm going to be very brief.

14 A. Okay.

15 Q. I think you could guess that by now.

16 In 2020 and 2021, throughout Safari's
17 participation in the child nutrition program, were you under
18 the impression that Safari Restaurant and other for-profit
19 entities could make a profit?

20 A. Yeah, for-profit businesses make millions in the child
21 nutrition programs, restaurants, vendors, distributors,
22 wholesalers. Yes.

23 Q. During that time were you under the impression that
24 rosters were necessary?

25 A. No. The regulations require them for children that are

1 present. That's built into the law. And so when the
2 noncongregate dining went into effect, children weren't
3 present, therefore attendance was not required.

4 Q. All right. And then this question is going to kind of
5 sound like it's coming out of left field here, but you
6 testified about what a breakfast looks like, what a dinner
7 looks like under the child nutrition program.

8 Can you tell the jury what a snack looked like --

9 A. Oh.

10 Q. -- under the child nutrition program?

11 A. Yeah. So snacks are two of the five food groups. So it
12 would be -- I'm trying to think for a school ager -- a cup
13 of fruit and two ounces of crackers. So it's usually about
14 five, six, seven crackers or so. It can also be a cup of
15 yogurt and a juice box. It's pretty simple, pretty, again,
16 minimal portions that makes snacks up as long as there are
17 two different food groups, if you will.

18 MR. MONTEZ: Thank you. No further questions.

19 THE COURT: Mr. Udoibok, redirect?

20 MR. UDOIBOK: Yes, Your Honor.

21 REDIRECT EXAMINATION

22 BY MR. UDOIBOK:

23 Q. Ms. Bock, just like Mr. Montez, I'm going to try to be
24 brief, but not quite that brief.

25 A. Okay.

1 Q. So you've heard -- I've heard your testimony and the
2 questions by Mr. Thompson.

3 Did you ever talk to Board Member, by phone, Ben
4 Stayberg?

5 A. Yes, we did.

6 Q. Did you talk to him in 2021?

7 A. Yes. Like I said, after he received the certified
8 letter from MDE about the serious deficiency, he reached out
9 and we had a call discussing an update on where the
10 litigation was at.

11 We also went through the serious deficiency and
12 what that meant, and he wanted to make sure that he was not
13 in trouble, that it was just the company that was being
14 looked at. And he asked if we needed any help or support
15 with anything.

16 Q. Do you have a phone log?

17 A. Yes.

18 Q. And what does it look like?

19 A. It was through Facebook Messenger. And so it shows that
20 there were calls completed between us. And then in one he
21 asked me to call him, and so I called him back for another
22 short four- or five-minute conversation.

23 Q. All right. Nonetheless, you testified you had a phone
24 log?

25 A. Yes.

1 Q. All right. With you and the board president?

2 A. Correct.

3 Q. I'll move on to another topic. So I want to talk a bit
4 about Southcross.

5 A. Okay.

6 Q. So what is it? What is Southcross, just for the benefit
7 of the jury?

8 A. Yeah, Southcross was the location that I had intended to
9 open a child care center in and had furnished and submitted
10 an application that was later withdrawn.

11 It also served as a training site for Feeding Our
12 Future to use with staff and other locations, and then it
13 was eventually turned over and other individuals ran it.

14 Q. And there's been quite a bit of questions and testimony
15 from you about Southcross. Let's just segregate it for a
16 bit.

17 A. Okay.

18 Q. I'm directing you to Government Exhibit S19 that is in
19 evidence.

20 Ms. Mallet, would you call up S19, "S," like in
21 Sam.

22 We now know this is your handwriting, correct?

23 A. It is.

24 Q. All right. You write in caps?

25 A. Generally, yes. Caps or cursive.

1 Q. So let's go to page 54 of S19. So you incorporated
2 The Learning Journey LLC, correct?

3 A. Yes.

4 Q. And that's the child care center?

5 A. Yes, that was the name of the center.

6 Q. And when did you do this?

7 A. September 30th of 2019.

8 Q. All right. So, Ms. Mallet, go to page 3. Maybe 2. All
9 right. Call out the top half, top section. There you go.
10 So I have the date.

11 So on that date you did what?

12 A. So that's the date that the IRS issued an employer
13 identification number.

14 Q. Now call out -- go to page 8, please.

15 So what happened on July 31st, 2020?

16 A. I received a letter from the Department of Ed -- not
17 Education, sorry -- Department of Human Services notifying
18 me that the application I had submitted on May 13th of 2020
19 was missing some information and they needed some additional
20 documents and policies and stuff.

21 Q. And what department is that?

22 A. Department of Human Services.

23 Q. That's not MDE, is it?

24 A. No.

25 Q. Why did you need to go to Department of Human --

1 Minnesota Department of Human Services?

2 A. DHS, or the Department of Human Services, is who
3 licensed child care centers and then, like I had said
4 before, also oversees after-school programs and kind of
5 making sure children are in safe environments.

6 Q. All right. Ms. Mallet, go to Government Exhibit S21,
7 "S," like in Sam.

8 It's in evidence. And I want to walk through a
9 little bit of this exhibit.

10 Go to the next page.

11 What is that?

12 A. Can you make it bigger? I'm sorry. I can't see it.

13 It says, "Hi, Pauline. I'm an attorney with DHS
14 OIG licensing division working with our child care center
15 unit. The license application completed. We still do
16 retain data on the license application pursuant to Minnesota
17 statutes. We" --

18 There's a part cut off, so I'm not sure --

19 Q. All right. So go to the next page, Ms. Mallet.
20 Continue until I tell you to stop. Stop there.

21 What date is that?

22 A. That is January 26th of 2021.

23 Q. And do you recall receiving correspondence from DHS?

24 A. I do.

25 Q. Could you call out the first paragraph, please.

1 What is that?

2 A. "On May 13th, 2020, the Department of Human Services
3 Division of Licensing received your application for a
4 license to provide child care under the program name of
5 The Learning Journey located at 1506 Southcross Drive West,
6 Burnsville, Minnesota 55306."

7 Q. What time -- when is that? What date is that?

8 A. January 26th of '21.

9 Q. Okay. Now, Ms. Mallet, would you go to page 11 of that
10 same exhibit, please.

11 What is that?

12 A. This is a copy of the child care license that I
13 submitted to DHS.

14 Q. What is the date stamp on that?

15 A. The date stamp is May 13th, 2020.

16 Q. Ms. Mallet, go to page 15 of that exhibit.

17 What is that?

18 A. That is my signature signing the application, as well as
19 a notary signature and stamp.

20 Q. And when was that done?

21 A. That was done on May 6th of 2020.

22 Q. Ms. Mallet, go to page 18.

23 Ms. Bock, what is that?

24 A. That is the certificate of compliance for Minnesota
25 workers compensation law. Centers have to submit this as

1 part of the application.

2 Q. As I'm walking through this, I want you to confirm, one
3 way or the other, were those documents that you submitted to
4 DHS as part of your application, licensing application?

5 A. Yes, this is one of the requirements to be submitted.

6 Q. All right. Go to page 19.

7 What is that?

8 A. They asked for an organizational chart. So it is
9 indicating that I and at that time there was going to be a
10 co-owner, Shafi, and then we would hire a center director,
11 who would manage the center, as well as then the teacher for
12 each classroom, assistants, aids as needed. And then at
13 some point we had -- were going to have, excuse me, an
14 administrative supervisor and a multi-age specialist.

15 Q. Now, were those positions, were they required by DHS?

16 A. Depending on the children that are present, assuming all
17 of the classrooms are full, yes, all of the teachers. The
18 administrative supervisor and the multi specialist would be
19 not required by law, but all the others would.

20 Q. Go to the next page, Ms. Mallet.

21 Now, what is this?

22 A. Yeah. So like I mentioned the other day, in order to
23 get licensed, you are required to have materials, furniture,
24 equipment at the location. And so this is indicating the
25 type -- the list from DHS is all of the minimum requirements

1 required by law, the item. The number required is the first
2 column that I filled in. That varies based on classroom
3 size. And then the number on hand is indicated in that
4 second column.

5 Q. So just -- could you call out just the furniture part of
6 it, Ms. Mallet. Call it out.

7 Now, did you already have this furniture at the
8 site?

9 A. Yes. Like I said, it's all required to be on site,
10 because once you submit an application, they can come at any
11 time.

12 Q. Now go to the right and call out that section too.

13 What is that?

14 A. That is the requirement for items that develop fine
15 motor skills. And so, again, what the item is, the number
16 required, and the number on hand.

17 Q. All right. You heard questions that -- from the
18 government implying that you had minimal equipment. Do you
19 remember that?

20 A. I do.

21 Q. All right. Ms. Mallet, would you call out the bottom,
22 starting from "Large Muscle Play (Indoors)" and call out
23 that section all the way to the fine motor development. No.
24 "Large Muscle Play." There you go. "Large Muscle Play."
25 That's not it. On page 21, please. Page 21. You are on

1 page 20. 21. There you go.

2 What is that?

3 A. Those are the requirements for large muscle play for
4 indoors. So you have to have activities available for them
5 to move and develop balance, coordination, things like that
6 within the classroom. And then there's also requirements
7 for outside. So that they're getting that development
8 indoors and outdoors.

9 Q. Did you already have those on hand?

10 A. Yes. Like I said, it's required.

11 Q. All right. Ms. Mallet, I want you to call out from --
12 on page 21, from furniture to fine motor development, the
13 one half on the left side. There you go.

14 So, Ms. Bock, would you -- for the benefit of the
15 jury, could you highlight or checkmark any of the furniture
16 that you had at the site?

17 A. Yeah. So this is for the toddler room. And so it would
18 be (indicating). That column there is the quantity of each
19 of the items that was available at the site. So, for
20 example, there were 28 chairs, 28 cots, low open shelves.
21 You have to have a foot per child. So there was at least
22 28 feet of that. Two for the other furniture items, area
23 rug, changing table.

24 Large muscle items were available, as well as
25 outdoor play.

1 And then there's a requirement that you have art
2 and music supplies available. So those are accounted for.

3 And then fine motor development is like puzzles or
4 things that stick together, the little toy chains, things
5 like that that are going to develop their hand-eye
6 coordination.

7 Q. So let's go to the next page, page 22.

8 Ms. Bock, would you kind of highlight the
9 equipment or the materials you had on site.

10 A. For which -- I'm sorry. For the 16 to 32 months?

11 Q. Go from furniture all the way down to dramatic play on
12 page 22.

13 A. Okay. So it would be all of that. And then over here
14 (indicating), all of that was at the location. On the items
15 with the checkmark, there's no legal requirement that you
16 have a set quantity. You are supposed to just make sure you
17 always have it available. And so the checks are indicating
18 that we had all of that --

19 Q. All right.

20 A. -- there and ready.

21 Q. Are those all the equipments you had before you
22 ultimately sold --

23 A. There was -- oops, sorry.

24 Q. -- before you ultimately sold it?

25 A. Yeah, so there was all of this and then there was some

1 extra stuff that's not required. Like I said, in the infant
2 room there were some mat climbers and the little slide and
3 stuff like that. That's not required by licensing and so
4 it's not reflected on this form.

5 Q. Okay. I want you to go to page -- Ms. Mallet, go to
6 page 53 of this exhibit.

7 What is that?

8 A. This is an email. So it's from -- I had set up a
9 website and Learning Journey email account. So it's from
10 the Learning Journey email to Ashley Stentz, who was the DHS
11 assigned licenser. She was the one that would review the
12 application and then likely be the one that came out and did
13 the licensing visit to approve the location.

14 Q. Could you call out, please, Ms. Mallet, the "Good
15 morning, Aimee" paragraph.

16 What is that?

17 A. This is -- like I said, Ashley Stentz was the licenser,
18 so this is probably, I believe, one of our first
19 conversations. So she's introducing herself. She's
20 completed a preliminary review and they had a couple
21 questions.

22 So the registered owners on the license for
23 The Learning Journey were actually Child Development Centers
24 of Minnesota and Minority Child Care Centers of Minnesota.
25 I had been advised that it's better to have it be an

1 organization as opposed to myself for liability reasons.

2 Q. All right. Finally, let's go to page 56. What is that?

3 A. 56 is the floor plan, the map of the child care center.

4 This was included as part of the application because we have
5 to designate -- each classroom area has to have two exits.

6 So we have to designate the primary and secondary.

7 We also have to ensure that there is enough
8 tornado shelter space to accommodate all of the children and
9 staff that may be in the building.

10 Q. Ms. Mallet, are you able to expand the floor plan,
11 please?

12 Ms. Bock, could you describe the floor plan.

13 A. Yeah. So I'm going to start in the back corner. This
14 is the infant room. Again, that's where all the cribs and
15 stuff were. Based on the square footage, it would be
16 licensed for eight children. It had its own, like, staff
17 bathroom and then there was a changing table and stuff in
18 there.

19 Next to that is the kitchen. There was a sink and
20 refrigerator in there. Initially the food would be catered
21 and then eventually a kitchen would be added so it could be
22 prepared on site.

23 The toddler classroom, then, is in the front.
24 That was intended to be licensed for up to 28 children. And
25 so all of the furnishings were in there for 28 children.

1 There are two bathrooms, one for boys, one for girls.

2 I guess maybe I should have started here. This is
3 the lobby. So this is where the parents would come in.
4 There would be a welcome desk. And from there they would go
5 to the toddler room.

6 Unfortunately, because of the floor plan, they'd
7 also have to pass through the toddler room to get to the
8 infants, but that would be how you would access the
9 classrooms for the younger children.

10 I'm trying to make it not messy.

11 You could also go left, which would bring you into
12 the school age room. This room (indicating) I believe was
13 supposed to be licensed for 30 children. Again, there is
14 two bathrooms. This one here (indicating) is a storage
15 closets of sorts, but it was an interior building so it
16 could be used as a tornado shelter. And then an office off
17 of that for the director to use.

18 In the back is the preschool room. So this room
19 was intended to be licensed for 20 children. And again
20 it's -- had all of the furnishings, materials. It's showing
21 the two exits, one through the school age room, the second
22 back door to the rear of the building. And there is one
23 bathroom located in that space.

24 Q. Okay. So let's move on to Government Exhibit S2, "S,"
25 like in Sam.

1 I suppose you know what this exhibit is about?

2 A. Correct. That is the lease for the 56 -- 1506
3 Southcross location.

4 Q. Could you call out the first -- there you go.

5 When did you sign the lease?

6 A. October 3rd, 2019.

7 Q. All right. Go to page 30, please. Call out the
8 signatories.

9 Who are those?

10 A. So the left is people representing the landlord or the
11 management company. My signature is the top as a co-owner
12 and then Shafi Qanyare's signature is listed as another
13 co-owner.

14 Q. All right. Go to page 31. What is that?

15 A. So this is just showing the total space within the unit.
16 There was a gas station to the right, and then there was a
17 child care to the left that served primarily Somali
18 children.

19 Q. All right. Go to page 33. What is that?

20 A. That was the work that the landlord was going to do.
21 There was some construction that needed to be completed.

22 Q. No. Back up one. Maybe I'm missing my pages. Back up
23 one, please. No. Go forward. Forward. Go -- keep on.
24 There you go. Call out the first set of numbers there.

25 What is that?

1 A. That is the base rent. We had negotiated to get the
2 first three months of the lease for free so that we could
3 get all of the equipment and stuff moved in, and then
4 hopefully be closer to getting it licensed before we had to
5 start paying rent.

6 Q. Okay. Now, you recall -- Ms. Mallet, would you place
7 that Exhibit S2 side by side. Go to the first page.

8 Now call up, please, Government Exhibit HH26.
9 Could you call out the date of the lease on S2, please. Are
10 you able to call out the date of the purchase agreement?

11 All right. You can just put them low. Yeah,
12 there you go.

13 So, Ms. Bock, on S2, when is the lease negotiated?

14 A. It's dated October 3rd of 2019.

15 Q. All right. And who is the leaseholder?

16 A. Myself and Shafi.

17 Q. And then when is the sale agreement of the child care?

18 A. Almost two years later, August 13th of 2021.

19 Q. Ms. Mallet, go to the second page of Exhibit HH26. Call
20 out the business equipment and goodwill.

21 Do you see that? What is that?

22 A. So that was the purchase price of the child care center.
23 75,000 of it had been kind of earmarked as business
24 equipment. That would be all the furniture, rugs, stuff
25 like that. And then the remaining 235 was goodwill.

1 Q. When you heard questions that the child care never
2 existed and there was no equipment -- you remember that,
3 right?

4 A. I do.

5 Q. -- how did that make you feel?

6 A. Frustrated, because all of the furniture and equipment
7 was there. I understand the new owner may have moved it so
8 it wasn't present the day of the search warrant, but had it
9 been visited earlier, they would have seen all of the
10 furniture and equipment that was in there.

11 Q. Okay. Let's go to Government Exhibit R2. What is that?

12 A. That is the March 31st notice of serious deficiency that
13 MDE sent to Feeding Our Future.

14 Q. Okay. Who did they send it to?

15 A. They sent it to myself, both at home as well as at the
16 office. Oh, on email? I'm sorry. Just to me.

17 Q. Alrighty. And then was it sent also by mail?

18 A. Yes, it was mailed to myself at my house, as well as
19 Feeding Our Future, and then it was sent to Ben Stayberg as
20 the president of Feeding Our Future.

21 Q. Okay. Did you respond to -- by the way, you've heard
22 testimony about the serious deficiency when questioned by
23 Mr. Thompson. Do you recall that?

24 A. I do.

25 Q. Did you ever respond to that serious deficiency?

1 A. Yes.

2 (Pause)

3 Q. Did you respond?

4 A. I did.

5 Q. How did you respond?

6 A. Via email, as well as they have a SharePoint folder that
7 I put all of the information in.

8 Q. Do you recall -- let me just ask you this. Sometime in
9 June 2021 regarding the serious deficiency -- do you recall
10 that time?

11 A. I do.

12 Q. What happened?

13 A. So within the serious deficiency letter, MDE indicated
14 that they were going to be doing a stop pay. The stop pay
15 was being applied to all of the sites that had participated.
16 And so questions were asked and there was a hearing held in
17 which, based on my understanding, the instruction was --

18 There's a policy on stop pay in the federal
19 regulations, and stop pays can be issued for two very
20 specific reasons. One is a threat to the health and safety
21 of children. The second reason is if a state agency has any
22 reason to believe that any of the claims being submitted are
23 false or fraudulent, they are allowed to implement a stop
24 pay.

25 However --

1 Q. Now -- sorry.

2 A. Oops. Sorry.

3 Q. Go ahead. Go ahead.

4 A. However, because those concerns were not expressed
5 within the serious deficiency, there was not proper
6 authorization to just stop payment of claims.

7 Q. On June 4, 2021, right --

8 A. Yeah.

9 Q. -- was there pending any serious deficiency with Feeding
10 Our Future?

11 A. No. I believe it had been resolved by them. I had
12 received information from MDE that their concerns had been
13 fully and permanently corrected, and so the serious
14 deficiency was closed from that point.

15 Q. All right. Thank you.

16 Let's move rather quickly -- do you want me to
17 keep you on the stand longer?

18 A. No thank you.

19 Q. Okay. I'm directing you to Government Exhibit
20 Number 5 -- F5. Sorry. F5.

21 Call out -- so what is that?

22 A. That's an email I had sent to MDE with a SFSP, a summer
23 program, letter of request.

24 Q. All right. Requesting what?

25 A. They had requested information regarding the Summer Food

1 Service Program, and so I was attaching the letter of
2 request that they had requested.

3 Q. Just in summary, what did you attach?

4 A. Oh, for the restaurant locations I had attached the
5 additional information that they had requested pertaining to
6 sites that were operating within a restaurant building.

7 Q. All right. So let's move on to Government Exhibit F6.
8 Would you call out, when you get there, call out the
9 "from" -- the emails. There you go.

10 Do you recall that?

11 A. I do.

12 Q. What was that about?

13 A. This was an email from Emily Honer at MDE to myself, it
14 looks like another sponsor and various MDE employees,
15 providing updated guidance for restaurants as a site in the
16 SFSP.

17 Q. All right. I want to talk to you a bit about Government
18 Exhibit R15, that we just got recently, as a vehicle to
19 clarify things.

20 So Ms. Mallet, would you call up R15.

21 Do you know what that is?

22 A. It is an email that Abdikadir Mohamud sent to Eidleh and
23 myself regarding Stigma-Free, Willmar, October and November.

24 Q. All right. Release the callout and go to the next page.

25 What is that?

1 A. Those are summer meal count sheets.

2 Q. Go back to first page.

3 So, Ms. Bock, you testified that -- why don't you
4 explain to the jury, all right, when you receive an email
5 with another employee listed, what is -- what was your
6 normal practice?

7 A. So my normal practice, because, honestly, my email box
8 was frequently full, would be to -- if I saw it was claim
9 documentation or something related to a claim, I would check
10 the "to" line and make sure that the claims department had
11 been included. If they hadn't, I would forward it to them.

12 I would then check the body of the email to see if
13 there were any questions that were directed at me. If there
14 weren't, I had a folder in my email box that I would keep
15 for each site and so I would just move it there so it would
16 be available should I need it, but it would be filed away.

17 Q. So do you have any recollection about the meal count
18 listed in R15, second page?

19 A. No. Like I said, I very rarely opened the attachments
20 once I knew it was claim stuff. There was a team of people
21 to handle that and I had a lot of work of my own to do.

22 Q. By the way, how many employees did you have about
23 September 2021?

24 A. That time we were scaling back some, so it was probably
25 65, 75 employees.

1 Q. All right. Go to R16, please. Call it out.

2 What email is this?

3 A. This is the same one.

4 Q. Is this 16, the same one?

5 A. Oh, it says 15 on my screen.

6 Q. 16, R16.

7 (Counsel confer)

8 BY MR. UDOIBOK:

9 Q. Well, you're looking at what has been marked as
10 Government Exhibit 16. Do you know what it is?

11 A. It is not called up yet. Sorry.

12 Q. R16.

13 (Counsel confer)

14 MR. UDOIBOK: Oh, it's not in evidence. Oh, your
15 18.

16 Go to R18. Sorry, it's duplicate. Government
17 Exhibit R18. Do you have that?

18 MS. MALLETT: Yeah.

19 MR. UDOIBOK: Okay. Call that out.

20 BY MR. UDOIBOK:

21 Q. Okay. What is it?

22 A. This is again an email from Abdikadir Mohamud to Eidleh
23 and myself, this time regarding Stigma-Free, Mankato,
24 October and November.

25 Q. All right. And would you normally review -- go to the

1 second page, please.

2 Would you normally review the meal count?

3 A. No, not generally. Like I said, I had a very heavy
4 workload of my own and so I would send these to the claims
5 department and make sure that they had it so that the team
6 of the various departments and stuff could review the
7 necessary piece of the email.

8 Q. All right. So regarding Handy Helpers --

9 A. Yes.

10 THE COURT: I'm sorry. Before you do that, may I
11 have a sidebar?

12 MR. UDOIBOK: Sure.

13 THE COURT: Thank you. Just a scheduling issue.

14 **(Sidebar discussion)**

15 THE COURT: Can everyone hear me?

16 All right. I wanted you all to know I'm going to
17 go until 12:15, but I have emailed Ms. Roe and she is
18 willing to come up at 12:15 to address your witness issues.
19 So she will be up at that time. She was quite gracious
20 about it. Okay?

21 Thank you.

22 MR. UDOIBOK: Your Honor, just for timing, I've
23 got about five minutes, if that.

24 THE COURT: I'm sorry. Say one more time?

25 MR. UDOIBOK: I have maybe one or two more

1 questions. That's it.

2 THE COURT: Okay.

3 MR. UDOIBOK: Okay.

4 THE COURT: Okay. Thank you.

5 **(In open court)**

6 BY MR. UDOIBOK:

7 Q. So let's talk about Handy Helpers.

8 A. Okay.

9 Q. Did he do a good job at Feeding Our Future?

10 A. Yes.

11 Q. How many offices did he renovate?

12 A. I believe it was around 28.

13 Q. You paid him?

14 A. Correct. Feeding Our Future did.

15 Q. Can he do anything he wants with his money?

16 A. Yes, for-profit businesses can.

17 Q. All right. He bought a Mercedes, right?

18 A. He did.

19 Q. You didn't buy it, did you?

20 A. No.

21 Q. We heard testimony that the Mercedes was taken?

22 A. I did.

23 Q. And returned?

24 A. Correct.

25 Q. And he drove it?

1 A. What's that?

2 Q. He drove it?

3 A. He did.

4 Q. Had a ticket?

5 A. He did.

6 Q. Wrecked the Mercedes?

7 A. It's been totaled.

8 MR. UDOIBOK: No further questions.

9 THE COURT: Thank you.

10 Mr. Thompson?

11 RECROSS-EXAMINATION

12 BY MR. THOMPSON:

13 Q. Ms. Bock, your lawyer asked you some questions about
14 this would-be daycare at Southcross; is that right?

15 A. Yes.

16 Q. I just want to be clear, and I'm showing you page 56 of
17 Government Exhibit S21.

18 This exhibit that was being shown is plans for a
19 daycare that never opened, correct?

20 A. It's the layout of a daycare that was in the process of
21 licensing.

22 Q. But never actually opened, correct?

23 A. No, it didn't open.

24 Q. So it says here "Preschool Room" on this layout,
25 correct?

1 A. Yes.

2 Q. Just to be clear, there were no preschoolers, correct?

3 A. No, there were no children.

4 Q. And in the school age room, there was no school age
5 children?

6 A. No, no children in the center.

7 Q. No infants in the infant room?

8 A. Correct.

9 Q. No toddlers in the toddler room?

10 A. Correct.

11 Q. There was a potential org chart on this exhibit
12 somewhere, correct?

13 A. Correct.

14 Q. That was a blank org chart, correct?

15 A. It was to be determined, yes, because --

16 Q. Because there was no teachers?

17 A. No.

18 Q. There were no aides?

19 A. Not at that time.

20 Q. There were no families?

21 A. No.

22 Q. And you went through that list of items that were in the
23 site, correct?

24 A. Correct.

25 Q. And I think you clarified that -- because this was --

1 the sale was in August of 2021, correct?

2 A. Correct.

3 Q. Those items weren't there come January 2022 when the FBI
4 searched the Southcross site, were they?

5 A. No, they weren't.

6 Q. They just weren't there. So those were words on a page
7 here, but they weren't actually found at that Southcross
8 site four months later, correct?

9 A. The materials were all there when I sold it.

10 Q. Okay. But they weren't there in January?

11 A. I don't know what they had done with them.

12 Q. Evidently they didn't start a daycare, though, correct?

13 A. Once I sold the business, they were free to do what they
14 wanted.

15 Q. There was no daycare there, as you said, but there was a
16 food site, correct?

17 A. Yes, it was a food site.

18 Q. There had been a food site prior to August 13th, 2021,
19 correct?

20 A. Yes.

21 Q. When they gave you the \$310,000, correct?

22 A. It had been a food site since October of 2020.

23 Q. And it was a food site that was run by Feeding Our
24 Future, correct?

25 A. For a short period.

1 Q. Okay. In August 2021, for example, that period?

2 A. No.

3 Q. And then it became a food site run by Defendant Said and
4 his partners; is that right?

5 A. It was run by a nonprofit organization.

6 Q. His nonprofit organization, correct?

7 A. I don't believe it was his.

8 Q. So there was no daycare, correct?

9 A. There was -- at which time?

10 Q. Ever. There was never any kids being cared for?

11 A. There was never a licensed daycare, but there was all of
12 the furnishings and equipment.

13 Q. But there were no kids, there was no daycare that was
14 operating?

15 A. Correct. It was not licensed.

16 Q. There was a food site that was operating?

17 A. There was.

18 Q. And so when they paid you that \$310,000 in August of
19 2021, they didn't assume the operations of a daycare,
20 correct?

21 A. They didn't -- no.

22 Q. They assumed the operations of a food site?

23 A. A food site that was coming to an end because it was
24 transitioning back to in-person.

25 Q. But, in fact, it didn't come to an end. It continued

1 throughout 2021, correct?

2 A. It was transitioning, as all programs were, due to the
3 waivers ending.

4 Q. But did they continue to run it through 2021, correct?

5 A. I believe so.

6 Q. Under the sponsorship of Feeding Our Future?

7 A. Correct.

8 Q. And, in fact, if I'm showing you Government Exhibit N17,
9 in December 2021 they claimed to be serving or providing
10 2,500 meals a day at that Southcross site, correct?

11 A. This appears to be a Rochester site.

12 Q. I'm sorry. Page 1 here -- page 2. Bet on Better Future
13 Southcross, correct?

14 A. Correct.

15 Q. That was under the sponsorship of Feeding Our Future?

16 A. Yes, it was.

17 Q. And so that site continued to be operated into at least
18 December 2021, correct?

19 A. Correct.

20 Q. For which you were paying, your entity was paying them
21 hundreds of thousands of dollars a month in Federal Child
22 Nutrition Program funds, correct?

23 A. Reimbursements were being issued.

24 Q. For several hundred thousand dollars a month?

25 A. Based on the claims, yes.

1 Q. Issued by you?

2 A. Issued by Feeding Our Future.

3 Q. Signed by you?

4 A. Signed by me.

5 Q. Thank you, Ms. Bock.

6 MR. THOMPSON: Nothing further, Your Honor.

7 THE COURT: Anything further from you, Mr. Montez?

8 MR. MONTEZ: No, Your Honor.

9 THE COURT: From you, Mr. Udoibok?

10 MR. UDOIBOK: No.

11 THE COURT: All right. At this time I am going to
12 break for lunch. So I think what we will do is return at
13 12:30. That may edge to 12:45. I just have a couple of
14 legal matters to take up with the attorneys. Thank you.

15 All rise for the jury.

16 11:37 a.m.

17 **IN OPEN COURT**

18 **(JURY NOT PRESENT)**

19 THE COURT: Thank you.

20 Counsel, do you want to approach briefly to talk
21 about scheduling?

22 (Discussion off the record)

23 (Lunch recess taken at 11:37 a.m. till 12:39 p.m.)

24 12:39 p.m.

25

IN OPEN COURT**(JURY NOT PRESENT)**

1
2
3 THE COURT: You may all be seated.

4 We are on the record out of the presence of the
5 jury.

6 Mr. Udoibok, when the jury comes in, do you intend
7 to rest your case?

8 MR. UDOIBOK: Yes, Your Honor.

9 THE COURT: All right. And so we had an
10 off-the-record discussion about a potential witness issue
11 with respect to two of the witnesses in Mr. Said's case.

12 Mr. Montez, do you wish to be heard?

13 MR. MONTEZ: Yes, Your Honor. Thank you.

14 I'm not quite as tall as Mr. Thompson.

15 THE COURT: Go ahead.

16 MR. MONTEZ: Thank you, Your Honor.

17 Before the break the government informed me of its
18 intent to impeach two of the witnesses Mr. Said intended to
19 call during his case in chief. The two witnesses at issue
20 are Mohamed Liban and Amino Abdi.

21 The defense had intended to introduce through
22 Mohamed Liban a number of videos that were taken at various
23 times throughout 2020 and 2021 that were taken inside of the
24 Safari Restaurant that would have shown food being prepared,
25 food being packaged, food being stacked.

1 We have, roughly, a hundred something videos. We
2 have condensed that down, for everyone's sake, to
3 approximately 25 to 30 ten-second clips that would have
4 shown what was happening inside of Safari Restaurant during
5 2020 and 2021.

6 The reality is these videos, the larger number,
7 the over hundred videos, are time stamped and dated on all
8 different days. These are videos that were taken inside of
9 the restaurant on a nearly day-to-day basis throughout 2020
10 and 2021.

11 Throughout this entire trial, there have been
12 witnesses that have taken the stand that have said it's
13 impossible for Safari Restaurant to prepare that many meals,
14 it's impossible for them to feed that many people. These
15 videos demonstrate unequivocally they were able to do that.

16 The only witness who can lay foundation to those
17 videos is Mohamed Liban. The government approached me and
18 stated that if he took the stand, they would intend to offer
19 evidence that throughout 2020 and 2021 Mohamed Liban
20 received payment from Salim Said and the various other
21 entities that have been referenced throughout this trial
22 pertaining to different sites and that that information
23 would be used to demonstrate bias.

24 The government indicated that they wanted to make
25 us aware of this as it may expose Mr. Liban to potential

1 criminal charges, possible exposure and that he ought to be
2 aware of that.

3 While I would generally thank the government for
4 doing that, I would not thank the government for doing that
5 ten minutes before these witnesses could have potentially
6 taken the stand.

7 You don't have to get past Rule 102 to note that
8 this is not what the Rule of Evidence was designed to do.
9 Rule 102 indicates that the Rules of Evidence are there to
10 ensure that the truth is ascertained at trial.

11 I cannot think of a better way to do that than to
12 show videos taken every single day, practically, at Safari
13 Restaurant that shows exactly what was happening inside of
14 that restaurant. I cannot think of a better way.

15 What the government has done is created a chilling
16 effect on the truth. They have had this information that
17 Mr. Liban received payment from Mr. Said and the other
18 entities since 2022, at least. They have had three years to
19 bring an indictment against Mr. Liban, and they wait until
20 ten minutes before he's set to testify to threaten an
21 indictment if he takes the stand.

22 THE COURT: I'm sorry. Did you say "threaten an
23 indictment"?

24 MR. MONTEZ: Your Honor, I don't know any other
25 way to accurately describe what the government is saying.

1 THE COURT: Mr. Montez, were you unaware that
2 Mr. Liban had received payments from Mr. Said in your
3 discussions with Mr. Liban or Mr. Said?

4 MR. MONTEZ: I cannot speak to my discussions with
5 Mr. Said.

6 THE COURT: The question is whether you are
7 unaware that Mr. Liban received payment. Are you surprised
8 by the evidence itself?

9 MR. MONTEZ: I am surprised by the \$200,000
10 number, absolutely.

11 THE COURT: And you didn't receive that in
12 discovery?

13 MR. MONTEZ: My understanding is that Mr. Liban
14 was paid for his work as a social media person.

15 THE COURT: And you weren't aware of how much?

16 MR. MONTEZ: I was not.

17 THE COURT: And was -- were the checks to him
18 revealed to you in discovery?

19 MR. MONTEZ: Some of the checks revealed -- to him
20 were from Mr. Salim Said, yes, and I have seen those.

21 THE COURT: And how much were they for?

22 MR. MONTEZ: I don't have an exact number off the
23 top of my head, but not \$200,000.

24 THE COURT: Okay. So putting aside the number,
25 are you contesting the government's ability to ask Mr. Liban

1 about the checks that he received from Mr. Said, whether
2 legitimate or not legitimate, but under the rule, under 608?

3 MR. MONTEZ: What I believe, Your Honor, would be
4 an appropriate line of inquiry, if the court were to allow
5 it, I would draw the court's attention to *United States*
6 *versus Dennis* -- it's an Eighth Circuit case, 625 F.2d
7 782 -- having to do with bias of a witness.

8 In that case the defendant wanted to cross-examine
9 a witness about his activities as a paid informant for the
10 government, and in that case the court allowed that line of
11 inquiry, but did not allow them to inquire as to the
12 specific instances and to the exact specifics of the
13 financial arrangement.

14 If the government wants to elicit information that
15 Mohamed Liban is perhaps biased because he was at one point
16 in time paid by Salim Said, they can do that, but they don't
17 have to ask him exactly how much he was paid. They don't
18 have to ask him the manner in which he was paid. They don't
19 have to ask him by which means he was paid, which would
20 expose him to potential federal crimes.

21 If the government wants to expose bias, one,
22 there's still a balancing rule under 608, which I don't
23 think has been met. But assuming that it is, this would be
24 the proper method to do it: Did you receive money through
25 Mr. -- from Mr. Said during 2020? Yes, I did. The end.

1 Any specifics beyond that is unnecessary, it's prejudicial,
2 and it's going to have a chilling effect on the truth.

3 As far as Amino Abdi, Your Honor, I echo the same
4 statements. Amino Abdi was an employee of Safari Restaurant
5 from 2015 and 2016. She remained an employee and was
6 present nearly every single day during 2020 and 2021.

7 Again, I cannot think of a better way to elicit
8 information about the truth than from somebody who was
9 present on scene, observing the meals being cooked, packaged
10 and served, which she directly did serve the meals.

11 Again, the payments being made can be covered in a
12 question or two, limit the exposure and get to the means --
13 excuse me, and can be used to get to the ends of what the
14 Rules of Evidence intend to do, which is ascertain the
15 truth.

16 THE COURT: So what are you requesting of the
17 court?

18 MR. MONTEZ: One, I'm requesting that this not be
19 an issue at all, that the government not even be able to
20 begin this inquiry under 608 because of the clear
21 prejudicial value.

22 Should the government be allowed to do that, I
23 would ask the court consider *United States versus Dennis*,
24 Rule 608 and allow an extremely limited inquiry into the
25 fact that at one point in time these two received payments

1 from Salim Said, but to go any further as to the manner, the
2 means by which they were paid would expose them to potential
3 charges, which would not meet the ends of what the Rules of
4 Evidence intend to do.

5 THE COURT: And depending on what is asked of them
6 on the stand, these witnesses have -- it could trigger their
7 right to counsel and their right -- well, their right to
8 remain silent, first, and then the right to counsel.

9 We discussed before the break potentially
10 obtaining them counsel through the Federal Defender's
11 Office. Where do we stand on that?

12 MR. MONTEZ: I can provide an update for the
13 court. Mr. Mohamed is currently meeting with an attorney
14 from the Federal Defender's Office.

15 THE COURT: Mr. Liban?

16 MR. MONTEZ: I'm sorry. Yes.

17 THE COURT: Okay.

18 MR. MONTEZ: Mr. Liban is currently meeting with
19 an attorney from the Federal Defender's Office.

20 Amino Abdi is waiting patiently. It doesn't sound
21 like we are going to be able to find a second lawyer for her
22 to meet with today.

23 THE COURT: Okay.

24 MR. MONTEZ: My -- well, depending on how the
25 government wants to respond to all of this and how the court

1 rules, we were, in all candor, not prepared for this to
2 happen today. And while we certainly could proceed by
3 calling Mr. Said first, it would not be our preference to do
4 that.

5 Should these two witnesses receive the information
6 that they need to from their lawyer and still decide to
7 testify, that would be our preference in presenting our case
8 in chief to the court.

9 THE COURT: Thank you.

10 Mr. Thompson, your response?

11 MR. THOMPSON: Thank you, Your Honor.

12 First off, obviously, neither I nor my colleagues
13 threatened anyone with indictment or prosecution. We
14 flagged a potential Fifth Amendment right that these
15 potential defense witnesses have, obviously, because we
16 realized with their potential testimony that
17 cross-examination would likely involve questions about their
18 involvement in a fraud scheme, both a potential wire fraud
19 and potential money laundering.

20 I'll start with Mr. Liban, their first defense
21 witness. Mr. Liban appears -- he was described by the
22 defense as a social media person, I guess, or someone with a
23 with a social media account that took videos at various
24 sites of the defendants apparently as advertisements to come
25 get food. Many of them, I think, are hearsay, but setting

1 that issue aside, he'll say, There's food at Safari, come
2 get it. Some of it is in Somali. Some of them have
3 writing, like the location, the name of the site or the
4 address.

5 I take issue with Mr. Montez's description of
6 those as showing that all of these 5,000 meals were
7 distributed. They do nothing of the sort. They are very
8 similar to the videos and photos that were introduced at the
9 last Feeding Our Future trial that Your Honor saw. There's
10 piles of food. There's trays with some food. I don't think
11 there's a single child in any of the videos. There's no
12 real distribution.

13 But in any event, that's what the videos are.
14 They are very short clips that appear to be maybe posted on
15 TikTok or something like that. I'm not as up to social
16 media snuff as I maybe should be. But that's what they are.

17 So what we informed the defense of is evidence has
18 actually already been admitted at this trial showing that
19 Mr. Liban has received a large amount of money from the
20 defendants. And the evidence is this, Your Honor:

21 During the fraud scheme he opened up essentially a
22 shell company called Shimbirka LLC, S-H-I-M-B-I-R-K-A.
23 Mr. Liban opened this entity. Then on March 17th of 2021,
24 he opened a bank account in the name of his new entity.

25 And that's been admitted into evidence as -- the

1 records of that account were admitted into evidence at
2 Government Exhibit W146, and that was actually admitted into
3 evidence at this trial on February 12th. So more than a
4 month ago the records of Mr. Liban's account were admitted
5 into evidence.

6 And I'll put it up on the screen for Your Honor.
7 This is Government Exhibit 146, and it's the account opened
8 in the name of Shimbirka LLC on the left here, opened
9 March 17th, 2021, and the signatory on it is Mohamed Liban,
10 the proposed defense witness.

11 The account was opened, as I said, on March 17th,
12 2021. And I'll direct the court's attention to page 71 of
13 this exhibit, which is the beginning of a series of checks
14 deposited into the account after it was opened.

15 You see the first check on March 18th is \$3,000
16 from Horseed Management, which is the shell company that was
17 the purported vendor for the Stigma-Free, Mankato site.

18 On page 72 that same day, March 18th, there was a
19 deposit of a \$3,000 check from Tunyar Trading, the purported
20 vendor for the Stigma-Free, Willmar site.

21 On March 19th, the following day, there's a \$3,000
22 check from ASA Limited, an entity that Defendant Salim Said
23 is a partner in.

24 And then that same day \$3,000 from Cosmopolitan
25 Business Solutions LLC, the company that did business as

1 Safari Restaurant, again, March 19th.

2 And then on page 76, the same day, March 19th,
3 another \$3,000 from Olive Management, a site in St. Cloud
4 involved in the fraud scheme that the court and the jury
5 have heard about at length.

6 If we page through, actually at page 78 there's a
7 check from Ikram Mohamed, who the court has heard from as a
8 former Feeding Our Future employee or I think Ms. Bock
9 described her as a consultant.

10 And then page 80, there's a check for \$5,000 from
11 Salim Limited, Defendant Said's entity.

12 And as I page through here, you will see every
13 check into the account comes from an entity involved in the
14 fraud scheme, Olive Management, Brava Restaurant,
15 Cosmopolitan Business Solutions, Horseed Management,
16 Calikamin Enterprises and so on and so forth.

17 In addition to the records of the account that the
18 government admitted into evidence on February 12th, 2021,
19 separate and apart, completely independent of Mr. Liban
20 being on the defense witness list -- in fact, this exhibit
21 was on our original exhibit list produced to the defendants
22 months ago in the normal course -- we admitted into evidence
23 a sources and uses chart at Government Exhibit X36 showing
24 the money flowing into and out of Mr. Liban's Shimbirka LLC
25 account, and this too was marked as an exhibit from the

1 get-go.

2 And as you can see, Your Honor, in a nine-month
3 period from approximately March 18th, 2021, when the account
4 was opened, to January 20th, 2022, when the government did
5 the search warrants, there was \$195,000 deposited into
6 Mr. Liban's account, essentially all of which, except for
7 maybe \$6,000, came from entities involved in the scheme,
8 about which the jury and the court has heard testimony in
9 this case and seen exhibits.

10 That includes \$32,000 from Tunyar Trading, \$28,000
11 from Olive Management, \$16,000 from Cosmopolitan Business
12 Solutions, \$16,000 from ASA Limited, \$10,000 from Salim
13 Limited.

14 And as you can see on the right, Your Honor, the
15 money -- this was essentially a shell company. It had no
16 operations. It seems like it was just used by Mr. Liban to
17 fund his life.

18 This raises, Your Honor, obvious concerns from his
19 perspective. When the government realized this was a
20 thing -- and, again, these exhibits were admitted separate
21 and apart from him being on the exhibit list -- we looked at
22 it and thought maybe we would just cross-examine him on it,
23 but it became pretty clear in recent days that our
24 cross-examination would very quickly get to questions about
25 his involvement in a fraud scheme and potential money

1 launders through the use of this shell company that he
2 created simply to do this.

3 In fact, on the day he created -- he opened the
4 bank account March 17th, he emailed information about it to
5 Abdikadir Nur Salah, one of the partners in Safari
6 Restaurant, and then the next day they started pouring
7 checks into it.

8 Your Honor, I will say -- one other thing I would
9 say about Mr. Liban is this has hardly been a secret. The
10 sources and uses chart that we admitted as Government
11 Exhibit X12 for Salim Limited, Defendant Said's company,
12 lists Shimbirka LLC and the funds paid to it as a related
13 party. And I believe Ms. Roase testified to what that
14 means, which was that it's an entity that was involved in
15 the broader fraud scheme.

16 THE COURT: And setting aside whether defense
17 counsel should or should not have been surprised by this
18 evidence, what is your intention in terms of impeachment for
19 bias? In other words, how far are you proposing to go down
20 this lane when you cross-examine Mr. Liban?

21 MR. THOMPSON: Well, I guess it depends on what
22 the witness says, Your Honor. I don't know -- the defense
23 produced a report of its interview with Mr. Liban. It
24 didn't cover this issue, which is part of, again, why we
25 were concerned that he might be surprised by it and it might

1 implicate his Fifth Amendment rights.

2 Obviously we will be -- it seems like he was on
3 the payroll in each and every one of these fraudulent food
4 companies that are located around the state, not only in
5 Minneapolis and St. Paul, but also in St. Cloud, Willmar,
6 Mankato, Rochester.

7 He appears to have been creating videos designed
8 for this moment. When someday someone questioned whether
9 they were actually distributing 20,000 meals a month at
10 sites all over -- 20,000 meals a day at sites all over the
11 state, here they have evidence of it. He appears to have
12 been put on the payroll to do that.

13 How far our cross depends on what his answers are,
14 Your Honor, but that's the clear implication of what was
15 going on.

16 I will note, Your Honor, \$200,000 in a nine-month
17 period is an awful lot of money to pay someone for posting
18 things on social media. There are influencers in the world,
19 the Kardashians come to mind, that make that kind of money
20 with social media posts, people who are influences with tens
21 of millions of followers and that are influential. I don't
22 think Mohamed Liban is that person.

23 My understanding -- well, I've looked at his
24 account. After January 20th, 2022, when the scheme -- when
25 the investigation went overt, when the food program funds

1 stopped flowing, no more money flowed into his account. He
2 drained it down and emptied it. And that was the end of
3 Shimbirka LLC. My understanding is he's now an Uber driver.

4 So we have nine months when he was involved in
5 this -- with the defendants charged in this fraud scheme in
6 which he made \$200,000 on these videos. And since then, now
7 he drives an Uber, and from I read in the paper, they don't
8 get paid that much.

9 THE COURT: All right. Thank you.

10 MR. THOMPSON: Ms. Abdi is a similar issue, Your
11 Honor. I can go through that too if you want.

12 THE COURT: Is it --

13 MR. THOMPSON: I don't believe she has videos. I
14 think she would just be more testimony about whatever she
15 did at the company.

16 But in addition to being a Feeding Our Future
17 employee, she received \$164,000 from the defendants'
18 different companies, including \$34,000 from Cosmopolitan
19 Business Properties, the entity that ran Safari Restaurant;
20 \$32,000 from Salim Limited LLC; \$32,000, roughly, from
21 Tunyar Trading; \$33,000 from Olive Management; and \$32,000
22 from AG Limited, Ahmed Ghedi's shell company.

23 Again, I'll just note with respect to this one,
24 several of those checks are well in excess of \$10,000. For
25 example, on August 19th of 2021 she received a \$20,000 check

1 from Tunyar Trading. She didn't deposit that into her
2 personal account. She deposited that into an LLC that she
3 controlled called Safari Beauty Salon.

4 Ten days prior to that, on August 9th, she
5 received another \$10,000 check from Tunyar Trading to that
6 same entity, Safari Beauty.

7 She also received a \$30,000 check from Olive
8 Management on August 23rd of 2021 to Safari Beauty, as well
9 as a \$30,000 check from Salim Limited to her personal
10 account on February 8th of 2021.

11 Each one of those, because of the source of the
12 funds, as the court has heard, and the jury, were proceeds
13 of this fraud scheme, expose her to a potential criminal
14 exposure or liability for violations of Title 18,
15 United States Code, Section 1957.

16 We've not threatened prosecution of either of
17 these people. We've just flagged it. We take no position
18 as whether or not they should testify at this trial. If
19 they do, obviously we'll cross-examine them as to their
20 potential bias, but it's their Fifth Amendment right, not
21 ours.

22 THE COURT: Thank you.

23 Mr. Montez, anything further?

24 MR. MONTEZ: I'll be brief, Your Honor.

25 I did just want to address the comments that

1 Mr. Liban is receiving money from all of these shell
2 companies. I understand that that's the position that the
3 government has taken. Respectfully, there is evidence that
4 food was being made, distributed at these other sites.

5 How much food was being made, prepared, packaged
6 and distributed at these other sites I understand is the
7 exact issue that's happening at this trial. But to say that
8 Mr. Liban, okay, was not doing anything for these other
9 companies and receiving payments for that is a
10 mischaracterization of those payments.

11 Mr. Liban was paid for his work as a social media
12 influencer, which, by the way, there was some references
13 made to the Kardashians. Mr. Liban at one point had 70,000
14 views per video on social media. He was the social media
15 guy in the Somali community.

16 Now, while I have never heard of Mr. Liban, I
17 don't find that surprising because I don't participate in
18 many things that other members of the Somali community do.
19 Quite frankly, I don't participate in things the Kardashians
20 do either.

21 But to mischaracterize Mr. Liban's influence on
22 the Somali community by essentially saying he's not what he
23 portrays to be, that's a mischaracterization.

24 MR. THOMPSON: Your Honor, if I may have just one
25 thing on that?

1 One, I didn't characterize his level of influence
2 at all other than it's less than the Kardashians, and I'm
3 going to stand by that statement as likely accurate.

4 But going back to Government Exhibit X36, when I
5 look at the sources of funds that were deposited into
6 Mr. Liban's Shimbirka LLC account, I note that the owners of
7 many of these companies have already pled guilty in this
8 case, including the owner of Olive Management; the owner of
9 Horseed Management, Abdinasir Abshir, who also owned
10 Calikamin Enterprises; Abdikadir Nur Salah, who owns 3017
11 LLC; Sharmake Jama and his family members, who owned Brava
12 Restaurant, have all pled guilty.

13 And did Abdikadir too? Tunyar?

14 MR. EBERT: Yeah.

15 MR. THOMPSON: And Abdikadir Mohamud also pled
16 guilty, correct?

17 MR. EBERT: Yes.

18 MR. THOMPSON: Who owns Tunyar Trading.

19 So it's not true that these are just allegations.
20 These are real things. And, of course, obviously
21 allegations are "no." That's what the Fifth Amendment
22 protects.

23 THE COURT: Thank you. One moment.

24 (Pause)

25 THE COURT: First, defense counsel represents

1 that, at least with respect to Mr. Liban, that this is the
2 only -- Mr. Liban is the only witness who can authenticate
3 the video. I don't know that to be true. I take you at
4 your word, but I don't know that to be true.

5 Second, with respect to both of these witnesses,
6 the fact that they were paid, legitimately or not, but paid
7 by Mr. Said or Mr. Said's organizations is clearly
8 impeachment testimony for bias. That's black-letter law,
9 that if you are paid by a party, you can certainly be
10 cross-examined about your potential bias there and so I'd
11 have to allow -- I have to allow that impeachment to go
12 forward.

13 I won't allow a mini-trial on whether Mr. Liban
14 and Ms. Abdi were paid legitimately or not, but certainly
15 the suggestion that the payments were not legitimate and
16 instead part of the fraud scheme certainly implicate both
17 witnesses' Fifth Amendment rights, which is why we halted
18 the trial for a bit to see if we could get them
19 representation to advise them on whether they wished to
20 exercise their Fifth Amendment right or not.

21 It seems that it's clear that the evidence that
22 the government has implicates a Fifth Amendment right and,
23 therefore, they've got to have some counsel about that.

24 So to put it -- to sum up, I'll allow the
25 impeachment testimony. It's allowed under black-letter law.

1 I won't allow it to become a mini-trial.

2 And we've made efforts through the Federal
3 Defender to get these two witnesses counsel as to whether
4 they will go forward and testify.

5 I am not hearing a threat of prosecution, but I am
6 hearing evidence that, again, implicates their rights.

7 As to the surprise argument, the proper remedy for
8 the surprise is, except in extreme cases, usually a
9 continuance. Here, I'm not happy that it's coming up now,
10 but I'm certainly not -- I don't see surprise here.

11 At least with respect to the evidence that has
12 been laid out for Mr. Liban, all parties should have at
13 least been aware of Shimbirka and Mr. Liban's connection to
14 it and its potential connection to the alleged scheme here.
15 So I'm just not seeing a surprise here.

16 That's my preliminary ruling on my allowing
17 impeachment, and now I think what we need to do is to break
18 and check with these witnesses to see where they are in
19 terms of their decision.

20 I will not require the defense to call Mr. Said
21 first simply because the other two witnesses need -- may
22 need more time. I don't think that's appropriate. They are
23 entitled to present their case in the order that they wish,
24 and given the other timing in the case, I would grant a
25 continuance until Monday to get -- make sure that these

1 attorneys have the -- or these witnesses have the
2 representation they need.

3 Let's take a brief break and you can advise me as
4 to where the witnesses are.

5 MR. MONTEZ: Your Honor, may I have one follow-up
6 guidance in regards to the *United States versus Dennis* issue
7 that I had raised?

8 If the court is going to allow this, can we have
9 some guidance as to how far the court intends to allow the
10 government to pry into these payments, or is that not a
11 position the court is going to take?

12 THE COURT: I tried to do that. I tried to say
13 I'm not going to allow a mini-trial. How far they go
14 depends on what questions they're asked and what answers --
15 or what questions he's asked and what answers he gives, but
16 certainly the fact that he was paid this much money from
17 those entities is going -- is, to me, fair game under the
18 bias rules.

19 MR. MONTEZ: Okay. Thank you.

20 THE COURT: But I appreciate -- I understand what
21 *Dennis* says and I get it, and I'm not going to allow a
22 lengthy tour down that road.

23 MR. MONTEZ: Thank you.

24 THE COURT: Fair?

25 All right. We're taking a brief break.

1 I'm going to have staff come out, and you can let
2 me know where we are, because if we're not ready to go
3 forward with the case, then I want to excuse the jury for
4 the day. I am, however, going to call them in. Regardless
5 of what happens, I'm going to call them in so that
6 Mr. Udoibok can rest so that we kind of know where we are
7 next. Okay?

8 (Recess taken at 1:12 p.m. till 1:47 p.m.)
9 1:47 p.m.

10 **IN OPEN COURT**

11 **(JURY NOT PRESENT)**

12 THE COURT: You may all be seated.

13 We're on the record out of the presence of the
14 jury. My understanding is that Mr. Liban has been able to
15 confer with counsel. Thank you so much for making yourself
16 available.

17 And, Mr. Montez, then are you prepared to go
18 forward with the case?

19 (Pause)

20 MR. MONTEZ: Yes, Your Honor, we're ready to move
21 forward with our case.

22 THE COURT: All right. Mr. DeVore?

23 MR. DeVORE: Yes.

24 THE COURT: Thank you so much for making yourself
25 available to consult with Mr. Liban.

1 Have you consulted with him about his Fifth
2 Amendment right?

3 MR. DeVORE: At length, yes, I have.

4 THE COURT: Thank you.

5 And what is his intention today?

6 MR. DeVORE: Your Honor, he indicated that he
7 would like to testify.

8 THE COURT: All right.

9 MR. DeVORE: But I do have a procedural question
10 for the court. I think your clerk had asked you about that.

11 THE COURT: My understanding is you are not
12 available on Monday?

13 MR. DeVORE: Correct.

14 THE COURT: If Mr. Montez is prepared to put on
15 his case, my understanding is that Mr. Liban would be his
16 first witness.

17 Is that right, Mr. Montez.

18 MR. MONTEZ: It is, Your Honor.

19 One other quick procedural thing. The other
20 interpreter is gone. We have another interpreter that's ten
21 minutes away. I can get him here in ten minutes.

22 THE COURT: So -- but there's one interpreter out
23 there?

24 MR. MONTEZ: There's no interpreters anymore.
25 Counsel conferred with Mr. Liban over the phone with the

1 previous interpreter, who had a 1:30 hearing.

2 THE COURT: Okay. So ten minutes and we're ready
3 for Mr. Liban?

4 MR. MONTEZ: If I make the call now.

5 THE COURT: Make the call now.

6 Mr. DeVore, is that all right with you?

7 MR. DEVORE: I can be here all day today, Your
8 Honor. I just won't be here on Monday.

9 THE COURT: Great. We're going to end about 7:00
10 tonight. Is that all right?

11 (Laughter)

12 MR. DEVORE: As long as I can get on a plane
13 tomorrow morning, I'm okay.

14 THE COURT: All right. Then let's wait ten
15 minutes, get the interpreter here and go forward with
16 Mr. Liban so that we can -- the jury is anxious to move
17 forward as much as we can within the limits of what we're
18 all comfortable and what I'm comfortable ordering.

19 So let's make the call.

20 MR. MONTEZ: Thank you.

21 THE COURT: All right. I'll tell the jury ten
22 minutes.

23 MR. DEVORE: And, Judge, do we want to make a
24 record, too, as --

25 THE COURT: Do you want to do that with Mr. Liban

1 here?

2 MR. DeVORE: Yeah, I think so.

3 THE COURT: Yes. Let's wait for the interpreter.
4 We will do that before the jury comes in.

5 MR. DeVORE: Okay. Thank you.

6 THE COURT: All right. Thank you.

7 (Recess taken at 1:50 p.m. till 2:22 p.m.)

8 2:22 p.m.

9 **IN OPEN COURT**

10 **(JURY NOT PRESENT)**

11 THE COURT: You may all be seated.

12 Before we bring the jury in, let's bring the first
13 witness that Mr. Said is intending to call into the
14 courtroom with an interpreter and Mr. DeVore can place what
15 he needs to on the record.

16 Good afternoon. You may come to the podium, and I
17 will have the interpreter do so as well.

18 Can we come here just first? Thank you.

19 Good afternoon.

20 THE INTERPRETER: Good afternoon, Your Honor.

21 THE COURT: I'm going to have you sworn in as the
22 interpreter, please.

23 THE INTERPRETER: Yes, Your Honor.

24 COURTROOM DEPUTY: Please raise your right hand.

25 (Oath administered)

1 THE INTERPRETER: Yes, I do.

2 COURTROOM DEPUTY: Thank you.

3 THE COURT: Thank you.

4 Mr. Liban, is that you, sir?

5 THE INTERPRETER: I'm sorry?

6 THE COURT: You are Mr. Liban?

7 MR. LIBAN: Yes.

8 THE COURT: Thank you. And you've just been able
9 to meet with counsel appointed for you, Mr. DeVore; is that
10 correct?

11 MR. LIBAN: Yes.

12 THE COURT: All right. Mr. DeVore, I'll turn it
13 over to you.

14 MR. DeVORE: Thank you.

15 Mr. Liban, you and I have had some pretty lengthy
16 discussions regarding your decision to testify here today;
17 is that correct?

18 MR. LIBAN: Yes, as long as it relates to what I
19 do.

20 MR. DeVORE: Sure. But you and I have spent some
21 time talking about why you are here today, correct?

22 MR. LIBAN: Correct.

23 MR. DeVORE: And you understand that the defense
24 would like to call you as a witness and have you sit up
25 there at the witness stand in this case, correct?

1 MR. LIBAN: Yes, I do not mind as long as it
2 relates to my job.

3 MR. DeVORE: Okay. But you understand that if you
4 get up there on the witness stand, the defense attorneys
5 would ask you a series of questions?

6 MR. LIBAN: Yes. As long as it relates to my job,
7 I will be able to answer.

8 MR. DeVORE: Sure. And you understand that when
9 you are on the stand, you will be sworn to tell the truth,
10 correct?

11 MR. LIBAN: Yeah, I did not come here to lie.

12 MR. DeVORE: That's fine, and I'm glad you didn't.

13 But you also understand that after you finish
14 answering questions for the defense, that the government
15 gets to ask you questions?

16 MR. LIBAN: Yeah, as long as it relates to my job,
17 I will be able to answer.

18 MR. DeVORE: Okay. But you understand that the
19 government may ask you questions about things that you were
20 doing and things that you were involved in that relate to
21 this case, correct?

22 MR. LIBAN: They could ask me anything that is
23 about advertisement, things like that. They are free to ask
24 me questions about that.

25 MR. DeVORE: All right. I'm going to get to the

1 point what we're trying to cover here, because the
2 government may ask you some questions about bank records
3 that were involved in a business that they believe that you
4 owned. You and I discussed that, correct?

5 MR. LIBAN: Yeah. As much as I know, I will be
6 able to answer.

7 MR. DeVORE: Okay. And there could be times where
8 the questioning gets to the point where you might be asked
9 questions that potentially could be -- your answers could be
10 used in an investigation or even a criminal charge against
11 you. Do you understand that?

12 MR. LIBAN: Yeah, to the best of my ability, if I
13 know the answers to the question, I'm going to go ahead and
14 answer that.

15 MR. DeVORE: Okay. And you and I have talked
16 about that your answers here today can be used by the
17 government to investigate whether or not you yourself may
18 have been involved in some criminal activity. Do you
19 understand that?

20 MR. LIBAN: I don't know -- I don't know anything
21 about that.

22 MR. DeVORE: Okay. But I just want the court to
23 know that we've had a conversation about all of those things
24 previously before you came up here to the podium, correct?

25 MR. LIBAN: Yes.

1 MR. DeVORE: And because of the potential for the
2 government to at least investigate this case, you have the
3 right to say, no, I don't want to get up there on the stand
4 and testify.

5 MR. LIBAN: Yeah, these advertisement is part of
6 my job and, you know, I know what I have a right for.

7 MR. DeVORE: I don't want you to talk about your
8 involvement. I just want the court to know that we've had
9 the conversations about your rights, either to testify or
10 not to testify. Okay?

11 MR. LIBAN: Yes.

12 MR. DeVORE: All right. And so what I'm getting
13 at is that you can't be forced to get on a witness stand and
14 testify about things that could be used against you in a
15 criminal case in the future. Do you understand that
16 principle?

17 MR. LIBAN: Yes.

18 MR. DeVORE: Okay. So -- but when you get up
19 there on the witness stand, you are going to be under oath
20 and you are going to be testifying, and you won't be able to
21 necessarily raise that right to be -- to not answer
22 questions. Do you understand that?

23 MR. LIBAN: Yeah, as long as I know what I'm being
24 asked, I'm going to go ahead and answer.

25 MR. DeVORE: Okay. And I just want to make sure

1 that I've advised you of the right to -- your right to
2 testify or not to testify remains solely on -- it's your
3 decision, correct?

4 MR. LIBAN: Yeah, I'm going to answer as long as
5 it relates to my job.

6 MR. DeVORE: Okay. And have I answered all of
7 your questions regarding the testimony and your legal rights
8 here?

9 MR. LIBAN: Yes, you did answer.

10 MR. DeVORE: And do you believe that I fully
11 understand the case and your involvement and have given you
12 proper advice?

13 MR. LIBAN: Correct.

14 MR. DeVORE: And knowing all of that, then is it
15 your decision that you would like to testify in this case?

16 MR. LIBAN: Yeah, as long as it relates to my job,
17 yes.

18 MR. DeVORE: Okay. Well, I don't know exactly
19 what the government is going to ask you or not, but once you
20 get on the witness stand, that's going to be up to them. Do
21 you understand that?

22 MR. LIBAN: Yeah, the government has a right to
23 ask me questions.

24 MR. DeVORE: Okay. Is that a sufficient waiver,
25 Your Honor, or colloquy?

1 THE COURT: Do you have any questions for me,
2 Mr. Liban?

3 MR. LIBAN: No.

4 THE COURT: You understand that when you take the
5 stand -- you have the right to remain silent right now.
6 When you take the stand, the government may ask you not only
7 about your job, but also about checks that might have been
8 related to the work that you were doing or checks that you
9 received over the course of the events that are at issue in
10 trial. Do you understand that?

11 MR. LIBAN: Yeah, they can ask me anything.

12 THE COURT: All right. And knowing that, you want
13 to testify?

14 MR. LIBAN: Yeah, as long as it relates to my job,
15 yes.

16 THE COURT: Okay.

17 MR. THOMPSON: Your Honor, that's --

18 THE COURT: I just -- so that's why I said what I
19 said, which is that the government may ask you questions
20 about things that you may think aren't related to your job.

21 MR. LIBAN: Yeah, I don't think I can be asked
22 anything that is not related to my job.

23 MR. DeVORE: Can I inquire, Judge, maybe?

24 THE COURT: You may.

25 MR. DeVORE: Mr. Liban, nobody is going to ask you

1 questions about stuff that you don't know and ask you to
2 guess. Okay?

3 But you may be asked questions not only about your
4 advertisement work, but also about bank accounts and your
5 relationship with the defendants and things like that.

6 MR. LIBAN: Yeah, I'm going to go ahead and answer
7 that. That's fine.

8 THE COURT: All right. Thank you. I'm going to
9 have you sit on the first row there, because we've got one
10 issue to take care of before --

11 MR. THOMPSON: Your Honor --

12 THE COURT: -- Mr. Montez calls any witnesses.

13 Mr. Thompson, go ahead.

14 MR. THOMPSON: Your Honor, I'm not sure that's a
15 sufficient colloquy. It seems like the witness believes
16 that he gets to decide which questions he answers and which
17 questions he doesn't answer.

18 I don't think that he should be taking the stand
19 under the assumption that Mr. DeVore, with whom I haven't
20 spoken more than a minute about this, has an idea of the
21 full extent of the potential cross-examination in this case,
22 and I don't think he should take the stand on the assumption
23 that the cross will be limited to his job as he sees it.

24 I'm not sure what he sees as his job, but the
25 scope of cross-examination is as wide as it can be. There's

1 no artificially cabining of the questions. He will not be
2 able to refuse to answer questions, whether posed by defense
3 counsel or the government, because he thinks it's outside
4 the scope of what he wants to testify about today.

5 We have real concerns here, Your Honor.

6 THE COURT: Mr. Liban, since I'm the judge in the
7 case, I decide what questions get asked and what questions I
8 don't allow to be asked. That's my decision, not yours or
9 the attorneys.

10 You understand that if you take the stand, you may
11 well be asked about things that you don't think are related
12 to your job, but rather are related to your relationships
13 with people who have been charged in this case and the money
14 that you have received from people who have been charged in
15 this case.

16 Do you understand that those are the questions
17 that may be asked of you?

18 MR. LIBAN: Yeah, I just want to let you, Your
19 Honor -- as long as it relates to my job and the bank, those
20 are the only questions I'm going to be asked, the questions
21 surrounding my -- the bank and, you know, the advertisement.

22 THE COURT: Sir, I just --

23 MR. LIBAN: Outside of that scope I'm not going to
24 answer.

25 THE COURT: I don't think you can take the stand

1 if you are telling me that you are going to pick and choose
2 what questions you answer.

3 MR. LIBAN: Can I answer things that I know about?

4 THE COURT: You can answer things you know about.

5 The --

6 MR. LIBAN: I can only answer if I understand what
7 I'm being asked.

8 THE COURT: Agree. I'm saying you can't refuse to
9 answer a question just because you don't want to answer it.

10 MR. LIBAN: If I answer the question, I'm going
11 to -- if I understand it, I'm going to answer.

12 THE COURT: Okay. And that includes questions
13 that may imply wrongdoing on your part, and with respect to
14 those questions, you have a right to remain silent. But if
15 you take the stand, you are giving up that right to remain
16 silent and you have to answer the questions.

17 MR. LIBAN: I'm going to answer everything.

18 THE COURT: All right. Mr. Thompson?

19 MR. THOMPSON: Your Honor, I just want it to be
20 clear that the defendant will have to answer any question
21 that's posed to him on the stand, full stop, regardless of
22 whether or not it relates to his work or it relates to his
23 personal life or other matters that he might not want to
24 talk about.

25 THE COURT: Do you understand, sir?

1 MR. LIBAN: Yes.

2 MR. THOMPSON: And is he willing to do so?

3 MR. LIBAN: Yes.

4 THE COURT: All right, then. Thank you. I'll
5 have you be seated, and we'll bring in the jury.

6 MR. DeVORE: Do you want him to be outside of the
7 room?

8 THE COURT: He can be in because all we're doing
9 is, I think -- Mr. Udoibok, are you prepared to rest?

10 MR. UDOIBOK: Yes.

11 THE COURT: And then, Mr. Montez, you are going to
12 call him?

13 MR. MONTEZ: Yes, Your Honor.

14 THE COURT: All right. Thank you.

15 2:40 p.m.

16 **IN OPEN COURT**

17 **(JURY PRESENT)**

18 THE COURT: You may all be seated.

19 And thanks very much, members of the jury, for
20 your patience.

21 Mr. Udoibok.

22 MR. UDOIBOK: Yes, Your Honor.

23 THE COURT: Does the defense rest or call another
24 witness?

25 MR. UDOIBOK: Your Honor, Defendant Marie -- Aimee

1 Marie Bock rests.

2 THE COURT: Thank you.

3 Mr. Montez.

4 MR. MONTEZ: Thank you, Your Honor. Defendant
5 Salim Said calls Mohamed Liban to the stand.

6 THE COURT: Thank you.

7 Good afternoon. Sir, I'm going to have you come
8 all the way up here. The interpreter has been sworn. I'm
9 going to swear the witness.

10 MOHAMED LIBAN,

11 called on behalf of the defendant, was duly sworn, was
12 examined and testified as follows:

13 THE WITNESS: Yes.

14 THE COURT: Thank you. You may be seated.

15 Could you please state and spell your first and
16 last name.

17 THE WITNESS: Mohamed Liban, M-O-H-A-M-E-D,
18 L-I-B-A-N.

19 THE COURT: Thank you, sir.

20 Mr. Montez, you may inquire.

21 MR. MONTEZ: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MR. MONTEZ:

24 Q. Good afternoon, Mr. Liban.

25 A. Good afternoon.

1 Q. Now, you and I have met previously; is that correct?

2 A. Correct.

3 Q. On two prior occasions; is that right?

4 A. Yes.

5 Q. And are you here today to testify to this jury?

6 A. Yes.

7 Q. And are you here to tell the truth?

8 A. Yes.

9 Q. Okay. Mr. Liban, where were you born, sir?

10 A. Mogadishu, Somalia.

11 Q. When did you come to the United States?

12 A. In 2006.

13 Q. When is your birthday?

14 A. 10/05/1981.

15 Q. What city do you currently live in?

16 A. Richfield.

17 Q. How long have you lived in Richfield?

18 A. Around two or three years.

19 Q. What do you do for a living? What kind of work do you
20 do?

21 A. Uber, black SUV.

22 Q. Okay. Mr. Liban, do you know my client, Salim Said?

23 A. 100 percent.

24 Q. And are you familiar with a restaurant called Safari
25 Restaurant?

1 A. Yes.

2 Q. Where is Safari Restaurant located?

3 A. 4th and Lake.

4 Q. Can you describe to the jury what that area is like, 4th
5 and Lake Street?

6 A. Yeah. Safari is located on the intersection of Lake and
7 4th. Not the first, the second building.

8 Q. And what kind of area is that? How would you describe
9 the buildings that are around that area?

10 A. I think it's South Minneapolis.

11 Q. Are there any shopping centers nearby?

12 A. Yeah, the -- you know, the first store is owned by
13 Latino, Latino. And then on the other side is located a
14 Spanish restaurant. And there's a McDonald nearby, about a
15 block away.

16 So that area is -- Somalis live there
17 predominantly and Safari is well-known in that area, Safari
18 Restaurant.

19 Q. Are there a lot of Somali businesses in that area?

20 A. Yeah, the area -- even Karmel Mall is close by.

21 Q. Can you tell the jury what Karmel Mall is?

22 A. Yeah. It is the biggest Somali mall in Minneapolis.

23 Q. What kind of shops do they have at the Karmel Mall?

24 A. Restaurants; goldsmith, like where they sell golds; and,
25 you know, clothing stores; and many different stores. They

1 sell money transfer. There's barber shops in there.

2 Q. Is the Karmel Mall popular in the Somali community?

3 A. Yes, it's one of the two biggest malls, Karmel Mall and
4 24 Mall.

5 Q. How far away, approximately, is Safari Restaurant from
6 Karmel Mall?

7 A. Maybe about four blocks, four traffic lights. I think
8 it's four traffic lights away.

9 Q. You mentioned that there was another mall similar to
10 Karmel Mall nearby. What mall are you talking about?

11 A. Yeah, well, you know, people mix up between the two and
12 there's another mall called 24 Mall.

13 Q. How would you describe 24 Mall?

14 A. Yeah, they sell -- pretty much the same thing what they
15 sell here, they sell over there also.

16 Q. How far away is 24 Mall from Safari Restaurant?

17 A. About one to two miles, about two miles. Yeah, it's
18 located on 24th and Chicago Avenue, but Karmel is closer to
19 us.

20 Q. Okay. Mr. Liban, you testified that you are familiar
21 with Safari Restaurant. How would you describe Safari
22 Restaurant?

23 A. Safari Restaurant is actually a restaurant. This is
24 what they do, catering for weddings and parties. So that's
25 basically -- it's African cuisine and Somali cuisine. Those

1 are the type of foods they sell.

2 Q. Have you been inside Safari Restaurant?

3 A. Yes, I did.

4 Q. How would you describe the inside of Safari Restaurant,
5 the layout?

6 A. Inside of it? It's a restaurant. The main door, the
7 front door (indicating). And then there's another door
8 where the seats are, where -- the dining area. There's a
9 bathroom, and then next to it there's another bathroom, one
10 for gentlemen and one for the ladies.

11 And next to it is the cashier, and then next to
12 the cashier is the kitchen. And next to the kitchen is the
13 storage and where they keep the foods and where the food is
14 located.

15 When you come outside of the kitchen, you come to
16 the main hall. There's a table that is designed to put on
17 top of -- like desserts and where they sort out the desserts
18 for the weddings and parties.

19 And next to it there's a bathroom, a small
20 bathroom. And then after that the opening area is the whole
21 (indicating). And then it's a big hall.

22 And right across of it is the big stage, is the
23 stage. There's enough ventilation, air ventilating, and
24 then there's speakers, big speakers mounted on top.

25 Next to the stage, there's a small office. And

1 then there's stairs to the basement.

2 Q. So, Mr. Liban, I want to ask you about a couple of areas
3 in Safari Restaurant. Okay?

4 So you mentioned that there was a restaurant
5 portion. Can you describe the restaurant portion of Safari
6 Restaurant. What did that look like?

7 A. The restaurant has seats, like, on the left side and the
8 right side. There's three rows of three chairs like next to
9 each other, parallel to each other. That's how Safari -- I
10 can describe. And the cashier area. And that's where they
11 hold parties, big parties and big occasions.

12 Q. Okay. So there's a restaurant portion that has some
13 tables and chairs; is that right?

14 A. Yeah. Well, that's where the restaurant is. That's
15 where people sit to eat and dine. But sometimes, you know,
16 people would come over and they, like, can order about 300
17 people worth of foods that need to be prepared for them.
18 And then they open the whole, you know, make it larger
19 for -- and that's where they eat in the hall, in the hall,
20 big auditorium over there.

21 Q. Okay. So let's talk about this hall, now that you've
22 been talking about it.

23 We know there's a restaurant portion, but there's
24 also a hall that's at Safari Restaurant as well; is that
25 correct?

1 A. Yes.

2 Q. How would you describe the hall?

3 A. Yeah, there's a hall that's designed for wedding. And
4 then there's a big hall on this side (indicating) that's for
5 wedding also, bigger, bigger hall, in case that space is
6 needed.

7 Q. Okay. So they would have weddings in this space; is
8 that right?

9 A. Sometimes they store the boxes and stuff like that over
10 there.

11 Q. Okay.

12 A. That's where they store -- they keep the dry foods over
13 there, and then they just lock the area.

14 Q. Would they host other events in this space besides
15 weddings?

16 A. Yeah, parties and family gatherings. Anything that's
17 related to the elections. They have a lot of people used to
18 come through there.

19 Q. I think you mentioned earlier that there was a stage in
20 this hall; is that right?

21 A. You're talking about the hall? Yes.

22 Q. What about a dance floor?

23 A. Yeah. Well, the stage and the dance floor, we call it
24 the same thing.

25 Q. All right. Now, would Safari Restaurant host large

1 events in this hall space frequently?

2 A. Yeah, there are a lot of singers come through, a lot of
3 artists.

4 Q. How often would Safari hold events in the hall area?

5 A. Are you talking about in a week, maybe?

6 Q. Sure. Just how often would Safari host these events?

7 A. Well, those events are held on the weekends.

8 Q. Would you say they are held every weekend?

9 A. Yeah, it was -- the parties used to be held frequently
10 prior to COVID-19. After COVID, then they slow down or --
11 and they completely stopped.

12 Q. Did you attend some of these events?

13 A. Yeah. I was doing the ads for them.

14 Q. All right. We're going to get to that in just a moment.

15 And would you say that Safari Restaurant was a
16 popular restaurant in the Somali community?

17 A. Yeah. Well, you know, not just Somalis that used to go
18 there. There were Somalis, Caucasians, Orientals. Pretty
19 much everybody used to come through there.

20 Q. And in terms of these events that would be held in the
21 hall, how many people would typically attend these events?

22 A. Honestly, I can't tell you the exact number. Between
23 150 to 250, yeah, because they -- the food is proportionate
24 to the people that are coming over there.

25 Q. Okay. But the event space could hold somewhere between

1 150 to 250 people at a time; is that accurate?

2 A. Around that. It could be more or less.

3 Q. And would Safari Restaurant prepare food for these
4 guests for these events?

5 A. The party -- they don't have food when they come to the
6 parties, unless you order food.

7 Q. So if the events wanted to order food, would Safari
8 Restaurant provide the food?

9 A. We're talking about two things here. Yeah, sometimes
10 there's a wedding and the food and everything is already
11 included. And sometimes there's an artist that's going to
12 rent the whole place, the whole, not including the food.
13 The food is outside of that. You know, if they made -- the
14 people need food, they have to make a separate case --
15 separate order.

16 Q. And so if they did that, would Safari Restaurant provide
17 food for that space?

18 A. Yeah, they have to go around to go to the restaurant and
19 order.

20 Q. Okay. Now, you mentioned earlier that you did
21 advertising. Is that what you said?

22 A. Correct.

23 Q. So around 2019 did you have a social media platform that
24 you used?

25 A. Yes.

1 Q. What platform was that?

2 A. I used to use Snapchat and YouTube a lot.

3 Q. What sort of things would you use Snapchat and YouTube
4 for?

5 A. In the YouTube, I'm a Somali comedian. You know, in the
6 Snapchat I do like ads and comedy mix.

7 Q. Okay. So you do some comedy and some advertising; is
8 that right?

9 A. Yes.

10 Q. What kind of advertising did you do on Snapchat?

11 A. You're talking about what dates?

12 Q. 2019. Before COVID.

13 A. I used to advertise, make advertise for stores,
14 clothings, the creams the ladies put on, cosmetics. I work
15 for -- with a lot of stores.

16 Q. A lot of stores within the Somali community?

17 A. Yeah, a lot, you know, the ones that are local and
18 overseas in Europe.

19 Q. Did you have a lot of people that would view your posts
20 on Snapchat?

21 A. Yeah, a lot of people watch that.

22 Q. How many views would you say you would get on a typical
23 post during 2019?

24 A. Well, you have to count on -- when it comes to Snapchat,
25 you have to count on 24-hour span and then things will be

1 populated. Yeah, so within 24 -- every 24 hours, maybe 200.
2 Yeah, about 200 views.

3 Q. Okay. Would you have views that would get more than
4 that, there's posts that would have more views than that on
5 occasion?

6 A. Yeah, it depends on the content of the video.

7 Q. Would you post these videos on your social media pages?

8 A. Snapchat, yeah, I used to put on Snapchat, upload them.

9 Q. All right. I want to talk a little bit about March of
10 2020.

11 As I'm sure you remember, COVID-19 hits and
12 everything shuts down; is that right?

13 A. Yes.

14 Q. Were you ever present at Safari Restaurant during that
15 time?

16 A. Yes. Safari was there, yes.

17 Q. Were you present at Safari?

18 A. Yeah, I used to go there even prior to COVID happening.

19 Q. All right. So when the pandemic hit and all the
20 restaurants shut down, are you aware if Safari Restaurant
21 was doing anything with the extra food that they had in
22 their restaurant?

23 MR. THOMPSON: Objection. Leading.

24 THE COURT: Overruled.

25 THE WITNESS: Would you repeat the question?

1 BY MR. MONTEZ:

2 Q. Sure. Are you aware if Safari Restaurant was doing
3 anything with the extra food they had in their restaurant
4 when all of the restaurants shut down?

5 A. Yeah, I do remember -- are you talking about prior
6 COVID?

7 Q. Right when COVID hit and all of the restaurants shut
8 down.

9 A. You're talking about extra foods, right?

10 Q. Yes.

11 A. You talk about extra food in what way? Like outside of
12 what the restaurant kept inside or -- could you elaborate?

13 Q. Sure. Are you aware if Safari Restaurant had food in
14 their restaurant when COVID shut all the restaurants down?

15 A. Yeah, I understand now. Yes, there were food. There
16 were a lot of food, and it was given out for free.

17 Q. Safari Restaurant was giving out the food for free?

18 A. Yes.

19 Q. Can you describe that to the jury.

20 A. Yes.

21 Q. Go ahead.

22 A. Yes. Yeah, when COVID hit and -- you know, I was one of
23 the young people that were there, and I wasn't offered a job
24 at the time, but since I was there, I was one of the people
25 that was working voluntarily.

1 And all the restaurants were shut down and then --
2 and Safari was told to distribute these foods and give out
3 these foods, give away these foods. That is as far as I
4 know, since I was one of the employees that was working
5 there.

6 Yeah, I was one of the 15 people that was working
7 there and I was assigned -- my assignment was social media
8 aspect of it.

9 Q. Okay. So, Mr. Liban, I know sometimes it's hard to
10 communicate between two languages.

11 Okay. So I'm not talking about when Safari was
12 participating in the child food program.

13 A. Okay.

14 Q. I'm talking about right before that. Are you aware if
15 there was a time that Safari Restaurant was giving food out
16 immediately after COVID shut down all of the restaurants?

17 A. Yes. For free, yes.

18 Q. Okay. Can you describe that to the jury, please.

19 A. When COVID started, there were food that Safari was
20 giving away and that food goes to pretty much everybody.

21 Q. So anybody that wanted to come and get food from Safari,
22 they could come and get it?

23 A. Yes, that food that -- they just want to get rid of that
24 food and they giving it to pretty much everybody.

25 MR. MONTEZ: Okay. Can we just have one minute,

1 Your Honor?

2 THE COURT: You may.

3 (Counsel confer)

4 BY MR. MONTEZ:

5 Q. Okay. So when members of the community were coming to
6 get free food from Safari, did you take any videos of this
7 happening?

8 A. I mostly record videos, but I don't think I record
9 videos of them.

10 Q. Okay. So at some point did Safari Restaurant start only
11 giving food out to kids?

12 A. Yes.

13 Q. Are you aware why they started doing that?

14 A. No.

15 Q. Now, when Safari started giving out food to kids, did
16 you take any videos of this?

17 A. Yes, I used to record videos and I used to repeatedly
18 tell them that this food is for the children.

19 Q. Would you post these videos to your social media
20 accounts?

21 A. Yeah, I used to post them on Snapchat. Yeah, I -- it
22 wasn't just me. I was distributing that among different
23 accounts. I was collaborating with them.

24 Q. Okay. But you personally took some videos and posted
25 them to your Snapchat; is that right?

1 A. Yes.

2 Q. Did we review these videos with you in my office before
3 you testified here in court?

4 A. Yes.

5 Q. And are those true and accurate videos that you
6 personally took and posted to your Snapchat account?

7 A. Yeah. Every video I record is correct, yes.

8 MR. MONTEZ: Your Honor, at this time the defense
9 offers D3-135, D3-141, D3-143 through 146, D3-148 and 149,
10 D3-151, D3-155, D3-156, D3-254, D3-157, D3-159, D3-162
11 through 167, D3-170, D3-172, D3-174, D3-175, D3-178
12 through 180, and D3-184 into evidence.

13 THE COURT: Any objection?

14 MR. THOMPSON: One moment, Your Honor.

15 (Counsel confer)

16 MR. THOMPSON: No objection.

17 THE COURT: Mr. Udoibok, any objection?

18 MR. UDOIBOK: No objection.

19 THE COURT: Those exhibits are admitted.

20 BY MR. MONTEZ:

21 Q. Okay. All right. Can we play Exhibit 135, please?

22 (Video recording played)

23 Q. Okay. Mr. Liban, I'm going to ask you a question about
24 what we're seeing here in this.

25 Is this a video of food that was being served at

1 Safari Restaurant during 2020 and 2021, the types of food
2 that were --

3 A. Yeah, I took this video, but there's salad and other
4 topping missing.

5 Q. Okay. Are you aware of how many meals are in each of
6 one of these trays?

7 THE INTERPRETER: I'm sorry. Would you say that
8 again?

9 MR. MONTEZ: Sure.

10 BY MR. MONTEZ:

11 Q. Are you aware of how many meals are portioned out in
12 each one of these trays?

13 A. About five. I'm talking about the pieces of chicken
14 that's on top of the food?

15 Q. Yeah, just the meals that are in one of these trays.

16 A. About -- roughly about five to six.

17 Q. Okay. Play the next video, please.

18 (Video recording played)

19 Q. Can you describe what we're seeing in this video.

20 A. Yeah. Well -- yeah, this is the rice. I'm just putting
21 it on the plate, but the spatula is very hot.

22 Q. Okay. That's why --

23 A. So I'm making it quick.

24 Q. That's why you are kind of dancing around a little bit?

25 All right. Can we play the next video, please.

1 (Video recording played)

2 THE INTERPRETER: I'm sorry?

3 MR. MONTEZ: Oh, I haven't asked a question yet.

4 BY MR. MONTEZ:

5 Q. Okay. So, Mr. Liban, are these trays the same trays
6 that we just saw a couple videos ago?

7 A. Yes. So now it's all prepared and sealed, ready to go.

8 Q. And are these the videos that you would post on your
9 social media page, your Snapchat account?

10 A. This is the reason why I was employed there to begin
11 with.

12 Q. Okay. How often were you at Safari Restaurant taking
13 these videos?

14 A. Yeah, that was -- on my way there, I would go through
15 Safari to go where I was going. Yeah, I record videos.

16 Q. How many days a week would you go to Safari and take
17 videos?

18 A. Yeah. Well, three to four and -- you know, the most
19 important thing for me was the menu. And after that, I will
20 go to my other places.

21 Q. Okay. So you'd come, take a video, and you'd leave to
22 go to different places?

23 A. Correct.

24 Q. All right. Can we go to the next video, please.

25 (Video recording played)

1 Q. All right. Next video, please.

2 (Video recording played)

3 Q. Can you describe to the jury what we're looking at in
4 this video.

5 A. Yes.

6 Q. Okay. What are we looking at?

7 A. Yeah. Well, you see, this is the menu, chicken and
8 macaroni, and this is the food I prepared and remind people
9 that this food is for the kids.

10 Q. All right. Next video, please.

11 (Video recording played)

12 Q. Okay. So, Mr. Liban, this is an example, you previously
13 just testified to, of the completed meals that are packaged
14 up, ready to go; is that right?

15 A. Yeah. Well, yeah, and there are about six of them in
16 the heater. Some of them are in the heater still in the
17 back.

18 Q. Okay. So there's more food besides this and sometimes
19 they would be in heaters in the back?

20 A. Yes.

21 Q. Okay. Can you remind the jury how many meals are in
22 each one of these trays?

23 A. You talking about on the top, the top tray?

24 Q. In one tray.

25 A. Six or five.

1 Q. Okay. I've wanted to try this since I saw this happen.

2 (Phone placed on ELMO)

3 Q. Okay. This looked like a good time, so I want to try
4 it.

5 Five meals in each tray?

6 A. Five to six.

7 Q. Okay. Let's take a low end. Let's go five. Okay?

8 A. Yeah. Well, the reason why it could be six is that it
9 depends on the meat on top of each plate.

10 Q. Okay.

11 A. That's what determines whether it's six. Because, you
12 know, you put more rice on the plate than chicken.

13 Q. Okay. But it's at least five meals; is that right?

14 A. Yes.

15 Q. Okay. And if I count one, two, three, four, five, six,
16 seven trays high, does that look right to you?

17 A. Are you talking about each row?

18 Q. I'm talking about how high you go.

19 A. I think it's seven.

20 Q. Okay. How about how many go across from left to right?

21 A. I think five.

22 Q. And about how many go back? How many go to the back
23 here?

24 A. I think it's seven.

25 Q. So just in this picture, we're looking at 1,225 meals;

1 is that right?

2 A. Yes.

3 THE COURT: Mr. Montez.

4 MR. MONTEZ: Sorry about that.

5 BY MR. MONTEZ:

6 Q. Okay. So there's my calculator. Five meals in each
7 tray stacked seven trays high. Five rows, seven columns.
8 1,225 meals just on that table right there; is that right,
9 sir?

10 A. This is part of what was recorded. What we are seeing
11 was some of the things that were recorded.

12 And there's another six heaters over there
13 (indicating) that -- more food is stored over there.

14 Q. There's six more heaters with trays like that?

15 A. Yes. Yes, they were. Yeah, there were a lot of
16 employees. You can ask anybody.

17 Q. Okay. I'll just ask you. Were there a lot of
18 employees?

19 A. Yes.

20 Q. Can we go to the next video, please. Oh, wait. We have
21 to switch back. This one?

22 All right. Another example of food being stacked
23 up; is that right?

24 A. Yes.

25 Q. Next video, please.

1 (Video recording played)

2 Q. Just so we're clear here, would you take videos like
3 this every single time you came to Safari Restaurant?

4 A. Yeah, if it's not, you know, finished, yes.

5 Q. Okay. Next video, please.

6 (Video recording played)

7 Q. Can you tell the jury what we're looking at in this
8 video.

9 A. Yes.

10 Q. What are we looking at?

11 A. That wall that you're seeing -- this is Lake and 4th --
12 that's where the Spanish store is located. This is the
13 drive-thru for Safari Restaurant. And adjacent to that is
14 the door that -- the entrance for the hallway, the hall.
15 This sidewalk that you are seeing, that's the main door for
16 Safari.

17 Q. What's significant about that street?

18 A. That's an intersection. One is going that way and the
19 other one crosses. This is the parking lot.

20 Q. So why did you take this video?

21 A. Yeah, I was letting people know this is how they enter
22 into the place.

23 Q. This was posted on your Snapchat?

24 A. I posted on the Snapchat.

25 Q. Letting people know how to come and get the food?

1 A. Yes. Yes, that's how they go through there.

2 Q. Okay. Next video, please.

3 (Video recording played)

4 Q. Same thing here?

5 A. Well, when I'm taking -- recording these kind of videos,
6 there are times that there's construction in the area.

7 There are times I tell them to come from this way, and there
8 are times I tell them to come from the other way.

9 Q. All right. Next video, please.

10 (Video recording played)

11 Q. Can you tell the jury what we're looking at here.

12 A. This is where the people are lined up to pick up the
13 food from Safari.

14 Q. So this line of cars right here (indicating)?

15 A. Yeah. All these vehicles, they're waiting for food for
16 their kids.

17 Q. How would you describe the traffic in front of Safari
18 Restaurant during 2020 and 2021?

19 A. Yeah. Well, sometimes when I let people know that this
20 is the time you guys need to come over to pick up your food,
21 the whole place gets packed like it's like Super Bowl event
22 going on there. That's what you would think.

23 Q. Did Safari Restaurant ever have to employ any police
24 officers to sort through the traffic at Safari Restaurant?

25 A. There used to be about four different police officers

1 used to come over there. The police would stay there to
2 ensure safety. Yeah, there was several pictures that we
3 took together while we were there.

4 Q. All right. Next video, please.

5 (Video recording played)

6 Q. Is this another example of food being packaged up and
7 stacked up at Safari?

8 A. You see those are the coolers all the way in the back
9 next to the wall. That's where they store the food. And
10 the heater. And now they giving away these foods.

11 Q. All right. Next video, please.

12 (Video recording played)

13 Q. Can you tell the jury what we're looking at here.

14 A. This is they giving away foods, like they taking the
15 food and putting it on the plates.

16 Q. And just so we're clear here, are these videos all taken
17 on the same day or are they taken on different days?

18 A. Every day has a different brand-new menu going on.

19 Q. I'm talking about the videos. Are the videos taken on
20 just one day or are they taken on different days?

21 A. Different days.

22 Q. All right. Could we go to the next video.

23 (Video recording played)

24 Q. Okay. Next video.

25 (Video recording played)

1 Q. Okay. Mr. Liban, are these the warmers you've been
2 talking about?

3 A. There were six of them. Yeah, there were six of them.

4 Q. So there were six warmers just like this?

5 A. Yeah, six of them.

6 Q. And that's in addition to the food that's stacked on the
7 table?

8 A. All these foods that you see, within two hours they
9 gone.

10 Q. That's how fast it went?

11 A. That place looks like a stadium. Yeah, it goes, like,
12 real quick.

13 Q. All right. Next video, please.

14 (Video recording played)

15 Q. All right. Let's skip back a little bit, if we could.

16 (Video recording played)

17 Q. Pause it, please.

18 Okay. Mr. Liban, can you tell the jury what's
19 stacked up on the left side of the screen in this still
20 shot?

21 A. That's the rice.

22 Q. That's rice?

23 A. Those things over there (indicating)?

24 Q. Right.

25 A. It looks like rice, sack of rice.

1 Q. Okay. Next video, please.

2 (Video recording played)

3 Q. Next video.

4 (Video recording played)

5 Q. Next video.

6 (Video recording played)

7 Q. See if we can back that one up just a little bit, if we
8 can, please.

9 (Video recording played)

10 Q. Pause it.

11 So on the back table there, do you see the food
12 that's stacked up on the back table?

13 A. Yes.

14 Q. Are those meals that have already been prepared and
15 stacked?

16 A. Yes, this is ready to go.

17 Q. And as those meals are ready to go, more food is being
18 made?

19 A. They used to cook about, all at once, two to three times
20 each. Once they run out, they add extra foods on top of
21 them. The pans are, like, really big.

22 Q. So I just want to see if I understand your testimony.
23 Safari Restaurant would restock that table two to three
24 times?

25 A. Yes.

1 Q. Next video, please.

2 (Video recording played)

3 Q. What do we see here?

4 A. Pasta -- we're seeing pasta and pasta sauce, and this
5 is -- what you're seeing right now is a meatball.

6 Q. So different types of food being made; is that fair to
7 say?

8 A. All seven days.

9 Q. Would the menu change frequently at Safari?

10 A. Yes.

11 Q. Is that why you went there on different days?

12 A. Correct. Yes.

13 Q. Next video, please.

14 (Video recording played)

15 Q. Different types of food?

16 A. Yes.

17 Q. Next video, please.

18 (Video recording played)

19 Q. More example of these warmers you're talking about; is
20 that right?

21 A. Yes. Yes.

22 Q. Next video.

23 (Video recording played)

24 Q. Different types of food; is that right?

25 A. Yes. This is -- Chef Jamal is the one that prepared

1 this food. He cooked this food.

2 Q. How would you describe the cooks at Safari?

3 A. Chef Jamal was there and Naji, a cook named Naji, and
4 also Mama Fatuma was there. They were there. And Chef
5 Jamal, he has the design. That's what he does, different
6 designs.

7 Q. Would you say that the chefs at Safari, or the cooks,
8 were working hard?

9 A. Yes. Yeah, they did work a lot.

10 Q. Next video, please.

11 (Video recording played)

12 Q. Next video, please.

13 (Video recording played)

14 A. You see that food is from Chef Jamal.

15 Q. Next video.

16 (Video recording played)

17 A. Chef Jamal cooked this.

18 Q. Did Chef Jamal make pretty good food?

19 A. He adds like flour and different textures. If you see
20 those kind of food that's over there (indicating), it is
21 from him, Chef Jamal he's a designer.

22 Q. Tasty food, would you say?

23 A. Very amazing.

24 Q. Okay. Next video.

25 (Video recording played)

1 Q. Okay. So I guess my point is, Mr. Liban, these are all
2 videos taken on different days?

3 A. Correct.

4 Q. Is this what it looked like at Safari Restaurant every
5 time you were there?

6 A. Yes.

7 Q. All throughout 2020?

8 A. Yes.

9 Q. All throughout 2021?

10 A. Yes. Yes, I was the one recording.

11 Q. What --

12 A. I was the one recording during those times and
13 disseminate those videos to different people. I would even
14 distribute it to different artists.

15 Q. So let's talk about that. So you would send your videos
16 to other social media influencers; is that true?

17 A. Yes, I collaborate with them.

18 Q. So you said it looked like that at Safari every time you
19 were there. What about Thanksgiving?

20 A. They don't care about Thanksgiving and things like that.

21 Q. What about Christmas?

22 A. The food was being distributed no matter.

23 Q. What about New Year's?

24 A. They refused us to do anything during the Eid time.

25 Yeah, during the Eid everybody was working there.

1 Q. During Eid?

2 A. Yeah, that day, Eid day.

3 Q. Okay. Mr. Liban, during this time period, did you go to
4 other food distribution sites as well besides Safari?

5 A. Yes, I did.

6 Q. What sites did you go to?

7 A. Two places in St. Paul, one in McKnight, one in -- on
8 Dale Street, and one in St. Cloud and one in Willmar and one
9 in Rochester and one in Mankato. St. Cloud has two sites,
10 like one is raw food and cooked food.

11 I can only go to two restaurants in any given day
12 because I -- the other ones, I know their menu off the top
13 of my head and I know what times they are ready to go.

14 That's what I used to do. That's it.

15 Q. All right. So when you would go to these sites, did you
16 also -- did you see food being made at these sites as well?

17 A. I was the one videotaping those places.

18 Q. That's my next question. Did you make any videos of
19 food being served at these other sites?

20 A. Yes.

21 Q. Did you post any of these videos to your Snapchat
22 account?

23 A. Yes.

24 Q. And when we met in my office, did you view those videos?

25 A. Yes.

1 Q. And did those videos accurately represent the food that
2 you saw being cooked and prepared at those sites?

3 A. Yes.

4 MR. MONTEZ: Your Honor, the defense offers
5 Exhibits D3-216, 217, 219, 221, 226, and 228.

6 THE COURT: Any objection?

7 MR. UDOIBOK: No objection.

8 MR. THOMPSON: No objection, Your Honor.

9 THE COURT: Those exhibits are admitted.

10 BY MR. MONTEZ:

11 Q. Can we start with Exhibit 216.

12 (Video recording played)

13 Q. Okay. Mr. Liban, is this an example of a video that you
14 took at different sites other than Safari?

15 A. Yes.

16 Q. Okay. Next video, please.

17 (Video recording played)

18 Q. Is this another example of food being made at a
19 different site other than Safari?

20 A. Yes.

21 Q. Next video, please.

22 (Video recording played)

23 Q. Is this a different site?

24 A. Yes.

25 Q. Okay. Next video, please.

1 (Screenshot displayed)

2 Q. Is this an example of another site as well?

3 A. Yes.

4 Q. Next video.

5 (Video recording played)

6 Q. Is this another site as well?

7 A. Yes, yes.

8 Q. Let's pause this. What do we see way in the background?

9 Can you describe to the jury what you see way in the
10 background.

11 A. I think it's aluminum. That's aluminum foil.

12 Q. Okay. Fair to say there's some boxes stacked up against
13 two walls?

14 A. Those are aluminums.

15 Q. Okay.

16 A. Yeah, aluminum foil that they put on top of food, yeah,
17 like these trays.

18 Q. A lot of aluminum?

19 A. Yes, yes.

20 Q. Okay. Next video. Oh, that's it. Okay.

21 MR. MONTEZ: I'm not sure if I offered D3-247 into
22 evidence. If I didn't, I would ask to admit that now.

23 THE COURT: I don't think you did.

24 Any objection?

25 MR. UDOIBOK: No objection.

1 (Counsel confer)

2 MR. THOMPSON: No objection, Your Honor.

3 THE COURT: D3-247 is admitted.

4 MR. MONTEZ: Okay. All right. Can we play this?

5 (Video recording played)

6 BY MR. MONTEZ:

7 Q. Is this a video you took at Safari Restaurant?

8 A. Yes.

9 MR. MONTEZ: Thank you, Mr. Liban. No further
10 questions.

11 THE COURT: Cross-examination?

12 MR. THOMPSON: Yes, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. THOMPSON:

15 Q. Good morning -- or good afternoon, Mr. Liban.

16 A. Good afternoon.

17 Q. How are you?

18 A. I'm doing good.

19 Q. I want to ask you a few questions about your testimony.
20 Okay?

21 A. Okay.

22 Q. If I understood you correctly, you -- Safari before
23 COVID would have big events; is that right?

24 THE INTERPRETER: I'm sorry. Say that again.

25

1 BY MR. THOMPSON:

2 Q. If I understood you correctly, prior to COVID Safari
3 would host events, right?

4 A. That's a hall place for the wedding and the restaurant,
5 all in one.

6 Q. Okay. There would be weddings at the Safari event
7 center?

8 A. Yes.

9 Q. You said --

10 A. Yeah, you can do weddings.

11 Q. And you said there would be about 150 to 250 people at
12 the weddings; is that right?

13 A. Roughly. That's my estimation.

14 Q. You said they were big and busy, correct?

15 A. I -- well, they're two different things. Like when
16 there was a wedding -- are we talking about when there's a
17 wedding or there's a party, when there's a party going on?

18 Q. I'm talking about your testimony earlier. I think you
19 said that there would be events and there would be 150 to
20 250 people there.

21 A. Yeah. Well, you know, when there's weddings, there are
22 tables in the middle. And when there's a party, there are
23 no tables. It goes all the way -- the number goes all the
24 way up to 200.

25 Q. 200 people?

1 A. It's possible. 100 to 200 --

2 Q. Okay.

3 A. -- that is my estimation.

4 Q. At the Safari Restaurant and event center, correct?

5 A. Yeah, I'm talking about the whole in the restaurant.

6 Q. Okay. Now, when you -- you testified about the food
7 program, correct?

8 A. Yeah, I did work there.

9 Q. You said you'd stop by on your way to where you were
10 going to take videos, correct?

11 A. Yes. Safari, yes.

12 Q. Okay. And on your way to going wherever you were going
13 that day?

14 A. Yeah, I used to take from Safari.

15 Q. Okay. And you would -- when you were at Safari, you
16 would take these little video clips, correct?

17 A. Yeah, I used to record videos.

18 Q. Okay. And we saw some of the videos, correct?

19 A. Yes.

20 Q. Now, we looked at about two or three dozen, maybe 20 or
21 30 videos; is that right?

22 A. Like you're talking for Safari? You're talking about
23 Safari alone?

24 Q. No. For the videos that we just looked at.

25 A. Yeah, there were a lot of videos.

1 Q. Okay. And were there any kids in any of those videos?

2 A. No. The kids are not allowed to be recorded.

3 Q. No kids in the -- in any of those videos, correct?

4 A. My job is to record video on the food.

5 Q. Okay. So there was no kids in those videos, is what I'm
6 asking.

7 A. Do you want the videos where the kids are included?

8 Q. No. I'm just asking the videos that we looked at.

9 A. No.

10 Q. Okay. You said it looked like the -- it looked like a
11 Super Bowl in there, correct?

12 A. Yes.

13 Q. It looked like a stadium, you said, correct?

14 A. Like Vikings stadium.

15 Q. Like the Vikings stadium?

16 A. Yes.

17 Q. None of that was depicted in any of your videos, though,
18 correct?

19 A. They -- well, we are the ones that work there and we
20 know how that place is run, and there are lot of people that
21 come through there to pick up food from.

22 Q. Just none of them on your videos, though, correct?

23 A. We record as much videos -- as many videos as we can.

24 Q. Okay. But just none showing the Vikings stadium-like
25 atmosphere?

1 A. Yeah. Well, yeah, there were things like that
2 because -- you saw where the cars were lined up? Sometimes
3 those line up, the cars, they are bumper to bumper. They
4 are sometimes two lines of cars lined up next to each other.
5 That's the reason why the police officers were hired.

6 Q. But just Not -- to be clear, not in the videos that you
7 took and displayed here at trial, correct?

8 MR. MONTEZ: Objection. Asked and answered.

9 THE COURT: Overruled.

10 THE WITNESS: Like things I said? Are you talking
11 about something I said?

12 BY MR. THOMPSON:

13 Q. No. I was talking about the videos that we just walked
14 through. Those are the videos you took, correct?

15 A. Yes, correct.

16 Q. None of those videos showed that kind of Vikings-like
17 stadium?

18 A. Well, yeah, if you're giving away the rice with your
19 right hand, if you did that, you would have known what was
20 going on there.

21 Q. Okay. I guess because I wasn't there, I have to rely on
22 the videos and they didn't show that, correct?

23 A. Yeah. Well, people are picking up the food. The cars
24 are lined up bumper to bumper all this side (indicating) and
25 this side (indicating).

1 Q. Okay.

2 A. Some people, they don't allow to be videotaped. It's
3 for their privacy.

4 Q. Okay. Well, let's move on from that topic.

5 A. Yeah, that's why, you know, I toss it in the car. I
6 videotape it in the -- I didn't videotape it inside the car
7 because of the privacy.

8 Q. Okay. I saw the videotapes. I just -- in any event,
9 let's move on.

10 The videotape I saw that had the most food was the
11 one where Mr. Montez put the calculator on the screen; is
12 that right?

13 A. Which one?

14 Q. The video that had the most food. Remember when he
15 pulled his calculator out?

16 A. You talk about the one that seven stack?

17 Q. Correct.

18 A. Yeah.

19 Q. That was the one you'd agree, the video, that showed the
20 most food, correct?

21 A. Every day the food is stacked just like that. Yeah,
22 that's -- the food is like nonstop. Every day is stacked up
23 like that every day.

24 Q. Okay. I'm just asking you will agree that was the photo
25 that had the most, correct?

1 A. I can't agree with you on the false premise.

2 Q. You disagree? You think there was a video clip that
3 showed more food?

4 A. Well, when the food is prepared, they put up -- they put
5 them on top of table. Those were part of the food that were
6 ready to go.

7 Q. Okay. Well, the number that Mr. Montez put up was 1,250
8 meals, correct?

9 A. Correct.

10 Q. Okay. Now, I'm showing you what's been admitted as
11 Government Exhibit B16. Now, Safari here in January of 2021
12 was claiming to serve 6,000 breakfasts and 6,000 lunch every
13 single day. So that's 12,000 meals a day.

14 Do you see that?

15 A. (No response.)

16 Q. Will you agree with me?

17 A. Yeah, when it comes to numbers, you can ask the
18 managers.

19 Q. Okay. You don't know the numbers?

20 A. No.

21 Q. So you are not saying that these numbers are correct?

22 A. That is not my job.

23 Q. Okay.

24 A. Well, you know, when people are hired, some people are,
25 you know, hired to be a janitor to clean the floor and mop

1 the floor, and some people are hired to do different tasks.

2 My job was in the social media aspect.

3 Q. Okay. So your job was to take these videos and post
4 them; is that right?

5 A. That's just my job.

6 Q. And you got paid for this job; is that right?

7 A. Yes, I used to get paid.

8 Q. Yep. And you got paid pretty well for this job, you
9 would agree?

10 A. Yeah, I used to get paid from different restaurants,
11 various restaurants.

12 Q. Mm-hmm. Like Salim Said's restaurant?

13 A. Safari Restaurant, yes.

14 Q. Safari Restaurant.

15 Those guys got paid well too, right?

16 A. I don't know.

17 Q. You don't know that?

18 A. I don't know about that.

19 Q. Do you know that they -- that Defendant Salim Said took
20 home over \$5 million?

21 MR. MONTEZ: Objection, Your Honor. Foundation.

22 THE COURT: Overruled. The question is do you
23 know.

24 THE INTERPRETER: Say that again, please.

25

1 BY MR. THOMPSON:

2 Q. Do you know that Salim Said, your friend, took home over
3 \$5 million from participating in this Federal Child
4 Nutrition Program?

5 A. No.

6 Q. Do you know he bought a brand-new house in Plymouth,
7 Minnesota?

8 MR. MONTEZ: Objection. Outside the scope.

9 THE COURT: Overruled.

10 THE INTERPRETER: Say the question again.

11 BY MR. THOMPSON:

12 Q. Do you know that in 2021 he bought a brand-new house in
13 Plymouth?

14 A. Plymouth, yes.

15 Q. You know he bought the house?

16 A. I don't know about that.

17 Q. You don't know about that.

18 Do you know that he paid \$1.1 million in cash for
19 that house in 2021?

20 MR. MONTEZ: Objection. Beyond the scope.

21 THE COURT: Overruled.

22 THE WITNESS: No, but I've been there.

23 BY MR. THOMPSON:

24 Q. You've been to his house.

25 A. Should I lie? I did go there.

1 Q. You shouldn't definitely not lie, no.

2 Nice house, you would agree?

3 THE INTERPRETER: I'm sorry?

4 BY MR. THOMPSON:

5 Q. It's a nice house?

6 A. It's a beautiful house.

7 Q. In fact, it's got an indoor basketball court; is that
8 right?

9 A. Yes.

10 Q. And he bought that with the money he made from Safari
11 Restaurant that year, correct?

12 A. I can't tell you. I don't know.

13 Q. He had partners in Safari Restaurant; is that right?

14 A. What kind of people you talking about?

15 Q. Abdulkadir Salah, I know you know him.

16 A. Abdulkadir is our manager, actually.

17 Q. You know him?

18 A. He's the boss, actually.

19 Q. Yeah. He and Mr. Said purchased a property on Park
20 Avenue in South Minneapolis in 2021, right?

21 A. Which property?

22 Q. That's a good question. It's a fair question. There
23 was a lot of properties. 27 --

24 MR. MONTEZ: Objection. Beyond the scope.

25 Q. 27 --

1 MR. MONTEZ: Foundation.

2 THE COURT: Overruled. You may answer.

3 THE WITNESS: I don't know.

4 BY MR. THOMPSON:

5 Q. You haven't been to that property at 27th and Park?

6 A. I did go there, but I don't know who owned it.

7 Q. Okay. You don't know that they bought it for
8 \$2.7 million in food money?

9 A. You're the first one I'm hearing from.

10 Q. Okay. Do you know that they also bought a property in
11 Columbus, Ohio?

12 MR. MONTEZ: Objection, Your Honor. Outside the
13 scope.

14 THE COURT: Move on.

15 BY MR. THOMPSON:

16 Q. Mr. Liban, you got paid for your role here, correct?

17 A. Yes.

18 Q. And you created a company with which to receive that
19 money; is that right?

20 A. Yes.

21 Q. And it's called Shimbirka LLC?

22 A. Yes.

23 Q. You created it in February of 2021; is that right?

24 A. Yes.

25 Q. Registered it with the Minnesota Secretary of State?

1 A. Yes.

2 Q. And then you opened a bank account?

3 A. Yes.

4 Q. In the name of this new company, Shimbirka LLC?

5 A. Correct.

6 Q. And you did that on, I believe, March 17th of 2021; is
7 that right?

8 A. Yes.

9 Q. And you created that company and opened that bank
10 account to receive money from Defendant Said and others who
11 were involved in the food program, correct?

12 A. This is the account that I was working with. Well,
13 Abdulkadir is the one that convinced me to create a company.
14 And he didn't want to send the money elsewhere. He wanted
15 me to create a company. So we're -- that was the first time
16 I heard anything to do with LLC, actually.

17 Q. Are you sure about that? Isn't it true you had another
18 LLC earlier?

19 A. What's the name of that? You talking about the tax?

20 Q. Abti Liban LLC.

21 A. That was the YouTube, actually. That was my name on
22 social media.

23 Q. And you opened an LLC in the name Abti --

24 A. I did it for YouTube only.

25 Q. Okay. But Shimbirka was not your first LLC, is what I'm

1 saying.

2 A. I don't know. YouTube was never monetized. I was never
3 monetized. I don't know -- if you want to count that, yeah.

4 Q. Well, I just -- I bring it up because you said earlier
5 that Shimbirka was the first time you had heard of an LLC,
6 but you actually had one before.

7 A. Yeah, I didn't know we was going to talk about YouTube
8 and, you know, videos and making films, but -- I didn't know
9 it had something to do with this.

10 Q. Okay. So I just want to be clear. This wasn't your
11 first LLC when you said that?

12 A. Yeah, well, that one was the first one, but I don't even
13 know the password and credentials. It's been so long ago.
14 Even the phone that I created that with, the screen is
15 broken. It's inside my house, sitting there somewhere.

16 Q. It had a separate phone?

17 A. Yeah, it was the actual phone.

18 Q. Okay. Well, let's talk about Shimbirka. I'll try to
19 direct our conversation here.

20 I'm going to show you on the screen Government
21 Exhibit W146. Is this the -- this is records of the bank
22 account that you opened for Shimbirka LLC. Do you see that?

23 A. Yes.

24 Q. Okay. And you opened it on March 17th of 2021; is that
25 right?

1 A. Yeah, around there, yes.

2 Q. And that's you? You're the signer on this account,
3 correct? It's your account?

4 A. Yes, I'm Liban. Yes.

5 Q. All right. And after you opened this account, you
6 immediately deposited a bunch of money into it; is that
7 right?

8 A. Do you want to know the amount of the money? Yes, I
9 did, I did put money in there.

10 Q. And this was money you received from the individuals
11 involved in the food program, correct?

12 A. Yeah, this 3,000 was, like, not -- it was one time, like
13 two or three times, because there were other people that
14 were working with me.

15 Q. Okay. So just to be clear here, I'm showing you page 71
16 of Government Exhibit 146. The day after you opened the
17 account, you deposited a check into it for \$3,000 -- a
18 \$3,000 check from Horseed Management LLC; is that right?

19 A. This was like after I didn't get paid for certain period
20 of time, then I receive this amount.

21 Q. Okay. And from Horseed Management. That's the company
22 that ran a site in Mankato; is that right?

23 A. Yes.

24 Q. Is that right?

25 A. Yes.

1 Q. It was involved in the food program; is that right?

2 A. Yes, yeah.

3 Q. Claimed to be feeding meals to 3,000 kids a day down in
4 Mankato?

5 MR. MONTEZ: Objection. Foundation.

6 THE COURT: Overruled. You may answer if you can.

7 THE WITNESS: I don't know. I'm not sure.

8 BY MR. THOMPSON:

9 Q. You don't know.

10 So just to be clear, you are not here saying that
11 whatever meals they claimed to have served in Mankato they
12 actually served, correct?

13 A. I don't know. I'm not the management.

14 Q. Fair enough.

15 A. My job is just record.

16 Q. Okay. Page 172 -- no, page 72 of Government Exhibit W46
17 [sic] is another check deposited into the account on
18 March 18th, the day after you opened it, and it's \$3,000
19 from Tunyar Trading LLC; is that right?

20 A. Yes.

21 Q. Now, Tunyar Trading was an entity that had a supposed
22 food site in Willmar, Minnesota; is that right?

23 A. Yes.

24 Q. And to be clear, even though you got paid from them, you
25 are not suggesting that their claims were accurate, are you?

1 A. Well, you know, my job is to record a video. But when
2 it comes to money, you are going to have to contact the
3 management because they are the ones that deal with that.
4 When it comes to the numbers, you can talk to the
5 management.

6 Q. Okay. You are not the guy?

7 A. No. I'm a social media influencer. I have nothing to
8 do with these numbers.

9 Q. Okay. So this -- just to be clear, here in March of
10 2021, when you deposited that check, the Stigma-Free,
11 Willmar site claimed to be serving 3,000 kids a day two
12 meals a day. So that would be 6,000 meals every single day.
13 You're not saying that's accurate, correct?

14 A. I know the amount of food is a lot, but the exact number
15 I couldn't tell you.

16 Q. You are not saying this is accurate, though?

17 A. Only the manager can tell you whether it is a hundred
18 percent accurate or not.

19 Q. Okay. Directing your attention to page 74 of Government
20 Exhibit 146, there's another check dated March 19th of 2021,
21 which is two days after you opened the account, for \$3,000
22 from ASA Limited; is that right?

23 A. Well, this is after I was working for these different
24 sites for a while. Then these restaurants, they paid me
25 that amount after working there.

1 Q. Okay. You got -- okay. So this ASA Limited site,
2 that's March 19th of 2021. I'm going to direct your
3 attention to Government Exhibit C43.

4 MR. MONTEZ: Your Honor, may we have a sidebar?

5 THE COURT: You may have a sidebar.

6 **(Sidebar discussion)**

7 THE COURT: Mr. Montez.

8 MR. MONTEZ: Your Honor, the witness has testified
9 several times he has no idea whether these meal counts are
10 accurate. The point has been made. This is cumulative at
11 this point.

12 I know the court was going to allow some leeway on
13 cross-examination to explore potential bias. This is
14 outside of the scope of my direct examination. So unless
15 this is going to bias, I don't know what this is for. This
16 witness doesn't have any foundation to answer these
17 questions.

18 MR. THOMPSON: Your Honor, the whole thrust of his
19 direct examination was how much food was being served at
20 these various sites. I believe at one point he described it
21 like a Super Bowl atmosphere. Obviously, that's not what
22 was shown in the videos. I crossed him on that and he
23 wouldn't concede it.

24 He was on the payroll of each of these companies.
25 He has individual knowledge about the food that was or was

1 not served there. And the fact that he's not saying these
2 meal counts are accurate is incredibly probative.

3 THE COURT: Mr. Montez, you opened this door. You
4 went not only to Safari Restaurant, but other sites. I
5 don't think this is outside the scope.

6 (In open court)

7 THE INTERPRETER: Your Honor, request to use the
8 restroom?

9 THE COURT: Sure. We'll take a five-minute break.
10 4:27 p.m.

11 IN OPEN COURT

12 (JURY NOT PRESENT)

13 THE COURT: We're off the record.

14 (Recess taken at 4:27 p.m. till 4:36 p.m.)

15 4:36 p.m.

16 IN OPEN COURT

17 (JURY PRESENT)

18 THE COURT: You may all be seated.

19 Mr. Thompson, you may continue.

20 MR. THOMPSON: Thank you, Your Honor.

21 BY MR. THOMPSON:

22 Q. Welcome back, Mr. Liban.

23 Before the break we were looking at page 5 of
24 Government Exhibit C43, which are meal counts from this ASA
25 Limited site, which was on McKnight Road in St. Paul.

1 You've been to that site, correct?

2 A. Yeah, sometimes I go there.

3 Q. Okay. And I just want to be clear. Here in March of
4 2021, when you first started receiving checks from ASA
5 Limited, they claimed to be serving breakfast and lunch to
6 approximately 3,000 children a day.

7 A. Yeah. Why didn't you talk to them?

8 Q. You never saw anything like that?

9 A. No.

10 Q. You never saw meals like that?

11 A. Yeah, I was just doing the ads for them and that was it.

12 Q. Okay. So you are not saying these are accurate, just to
13 be clear?

14 A. Well, my angle is just doing the advertisement. Whether
15 right or wrong, you could talk to the management about that.

16 Q. Okay. That same day, March 19th, you received another
17 \$3,000 check from Cosmopolitan Business Solutions, correct?

18 A. That is correct.

19 Q. That's the entity that ran Safari Restaurant, correct?

20 A. Well, like I told you, I wasn't receiving money for a
21 while and then I get this check, and then I gave some
22 portions of that payment to different people.

23 Q. Okay. These payments are for those videos that you
24 showed us, correct?

25 A. The -- my only job that I do is for advertisement.

1 That's it. I'm responsible for that.

2 Q. Okay. Page 76 of Government Exhibit W146, you received
3 a \$3,000 check from Olive Management that same day,
4 March 19th, 2021, correct?

5 A. Yes, because I haven't gotten any money for a while.

6 Q. And that's -- Olive Management is that site in
7 St. Cloud; is that right?

8 A. Olive Management, yes.

9 Q. Okay.

10 A. I thought it was Rochester.

11 Q. In any event, I'm going to show you page 8 of Government
12 Exhibit E46. These are the meal counts for the month of
13 March 2021, when you received that check from Olive
14 Management, claiming that the site was distributing 3,000
15 breakfasts and 3,000 lunch to kids each day.

16 A. Well, the thing is -- let me tell you this. The
17 breakfast and the lunch, they come together in one package
18 sometimes. They give away separately or sometimes they give
19 away all in one package, in one bag, and it depends on the
20 time.

21 Q. Okay. You are not suggesting, though, that these
22 numbers in March of 2021 are accurate, are you?

23 A. I am not going to be held responsible for that. You can
24 ask the management.

25 Q. We have. Do you know whether he's pled guilty in this

1 case, the owner of Olive Management?

2 THE INTERPRETER: I'm sorry. Would you say that
3 again?

4 BY MR. THOMPSON:

5 Q. Mr. Liban, are you aware that the owner of Olive
6 Management has pled guilty to wire fraud for his involvement
7 in this case?

8 A. I don't know about that.

9 Q. Okay. I'm going to direct your attention to page 86 of
10 the Shimbirka account, Government Exhibit W146. On May 3rd,
11 2021, you received a check for \$2,500 from Brava Restaurant;
12 is that right?

13 A. Well, first of all, let me tell you this. This money
14 that you see, the 2,500 that you see, they are -- and the
15 3,000 also, it's not just me. There are people that are
16 collaborating with me, that are working with me in the
17 social media, in the production crew. These are, you know,
18 divided between all of these people.

19 Q. The production crew for those videos that we saw?

20 A. Yeah, I would give them the advertisement, those guys,
21 because some of these people, they live in different sites
22 and different cities.

23 Yeah, so I'm going to be working -- for example,
24 I'm going to be working in their Snapchat page in the
25 admin -- take over the admin for them and so I could

1 distribute these different videos to be posted, uploaded
2 into their page.

3 Q. Okay. So that's why you got paid by Brava Restaurant
4 \$2,500 on May 3rd?

5 A. All of them, actually.

6 Q. Okay. And I'm going to direct your attention to
7 Government Exhibit L34 at page 6. Brava Restaurant claims
8 to be receiving -- or to be serving breakfast and lunch to
9 approximately 3,000 children a day each day in March or
10 February of 2021; is that right?

11 A. I don't know about that. My angle is just social media.

12 Q. Okay. You are not saying that's accurate? You don't
13 know one way or the other?

14 A. I couldn't lie to you about that, no. Yeah, I'm just
15 letting people know that these stuff are ready and that the
16 kids are ready. That is my job.

17 Q. As social media, doing these videos, correct?

18 A. Yeah, I was just letting them know. My job is to
19 advertise and shoot a video and let people know this is the
20 time the food is ready and this is where you need to be and
21 this is where you need to come. That is my task.

22 Q. On page 8 here, for that month of February 2021 Brava
23 Restaurant billed Feeding Our Future \$570,000 for meals
24 purportedly served at the restaurant.

25 THE INTERPRETER: What about the money? Could you

1 say the money?

2 BY MR. THOMPSON:

3 Q. \$570,307.95.

4 A. What about it?

5 Q. You are not saying that invoice is accurate or -- you
6 don't know anything about it?

7 A. So you are saying that I took that money?

8 Q. No. I'm saying that you -- I just want to know what, if
9 anything, you are saying about Brava Restaurant. I know you
10 did videos. You talked about Rochester.

11 A. Yeah. Well, you know, my job is to do the
12 advertisement, shoot the video, upload it into the social
13 media sites and page, and then I put the manager's name on
14 it. I let people know if anybody -- and his phone number
15 and his contact number. And if anybody has any question,
16 they can contact the management.

17 Q. Okay.

18 A. That's what I do.

19 Q. I'm going to show you one more thing here, Mr. Liban.
20 This is Government Exhibit X36, which is already in
21 evidence, and it's a summary chart. And what it shows is
22 all the money that was deposited into and withdrawn from
23 your Shimbirka LLC bank accounts.

24 A. Okay.

25 Q. And as you can see, in the nine-month period from

1 March 18th of 2021, when you opened the account, through
2 January 20th of 2022, when the food program shut down, you
3 deposited approximately \$195,000 into your account. Do you
4 see that?

5 A. I see that.

6 Q. Including \$32,000 from Tunyar Trading.

7 A. Well, you know, this amount of money that you see,
8 195,000, about 90,000 goes to the people that were working
9 with me. Yeah, for example, if I received 3,000, I get
10 1,000 and the rest goes to the people that work with me.

11 Q. Okay. But essentially all of this money came from
12 entities involved in the food program during COVID, correct?

13 A. Well, the thing is my job was doing the advertisement
14 and I was working and collaborating with all these different
15 people. And when it comes to the division of any sort, that
16 depends on them -- between them and the management.

17 Q. Okay. You received \$10,000 from Salim Limited; is that
18 right?

19 A. Yeah, this is for a long period. This amount of money I
20 was working, he gave me in one lump sum.

21 Q. Okay. And I'm showing you on the screen now page 80 of
22 Government Exhibit W146. That's \$5,000 you received from
23 Salim Limited, which is Salim Said's company, correct?

24 A. Well, the thing is he's talking 5,000, and we're talking
25 about seven days a week we go to different rural areas,

1 different cities, Rochester, Mankato. This goes for gas,
2 most of them, all of that.

3 Q. Well, let's page through here. This one was on
4 April 16th, 2021, \$5,000 from Salim Limited, correct?

5 A. Yeah. I see it, yeah.

6 Q. Oops.

7 A. You can see it right there.

8 Q. \$4,500 from Tunyar Trading on May 1st, 2021?

9 A. You're not showing the people that I gave the money to.

10 Q. Okay. I'm just looking at the checks.

11 May 3rd, \$2,500 from Brava Restaurant?

12 A. Yes.

13 Q. May 3rd also, \$4,500 from Olive Management?

14 A. Well, yeah, sometimes, you know, like it goes -- a month
15 or two months goes by and then you get paid one time.

16 Q. Not here, though. The account had only been open a
17 couple months, though, correct?

18 A. Yeah, really, there are so many people.

19 Yeah, you can ask me. Keep asking me.

20 Q. Okay. Thank you.

21 This is another one on May 5th, \$4,500 from
22 Cosmopolitan Business Solutions?

23 A. Yeah, I received that.

24 Q. Same day, \$4,500 from Horseed Management?

25 A. Yes. Horseed, yes.

1 Q. July, \$5,500 from Calikamin Enterprise? That's a
2 company run by Abdinasir Abshir, who ran the Mankato site,
3 correct?

4 A. Yes.

5 Q. Okay. So all these different sites -- and I'll put
6 Government Exhibit X36 back on the screen here. I just want
7 to ask you, Mr. Liban, my understanding -- if I understood
8 correctly, you were called by the defense to testify about
9 the food sites, correct?

10 A. Well, you know, I record videos. I shoot videos. My
11 information is out in the public.

12 Q. Okay.

13 A. Just like the way you got it, that's how you receive my
14 information.

15 Q. Okay. So you're not, as you sit there today, testifying
16 that these sites were not committing fraud and that all the
17 numbers on these meal counts were accurate, correct, that's
18 not your testimony?

19 A. Well, you know, one thing I can prove is that -- were
20 there food that were given away, that were being given away?
21 Yes, I can prove that. But I could not substantiate what
22 the number is, the exact numbers.

23 Q. You are not saying that the numbers are accurate?

24 A. That is a question for the management. I don't think I
25 should ask that question --

1 Q. Okay.

2 A. -- you should ask me that question. I'm just an
3 employee. I make sure the food is ready.

4 Q. Okay. So you can't say that and you won't say that,
5 correct?

6 A. Well, when it comes to food, every restaurant has a
7 manager and management that takes care of the numbers, is
8 responsible for tabulating these numbers.

9 My main thing is the food that's already cooked
10 and the menu. And then when I come over, when I stop in, I
11 just video record the table that's already filled with food
12 on top of it. I shoot a video.

13 Yeah, if I come early, I go to the -- I start from
14 the kitchen all the way and then videotape the chef and see
15 the food that's already cooked and made.

16 Q. Mr. Liban, we saw the videos. I think, if I understood
17 the direct examination, the video that was put into evidence
18 with the most food had approximately 1,200 meals, correct?

19 A. Yes.

20 Q. So none of your videos showed 3,000 meals that we saw
21 here today, correct?

22 A. First of all, Safari's food, the food were -- the food
23 that was there was a lot, but I cannot give you an exact
24 number.

25 Q. Okay. And you can't on any of these other ones? You

1 agree that none of your videos showed that much food?

2 A. Well, the thing is, like, beyond the scene what was in
3 the front, there was some other food, extra food in the
4 background. There was some in the warmer, some in the back
5 storage. A lot. So you only saw the -- what was out there
6 in the front.

7 Q. Okay. All right. Mr. Liban, you were not at these
8 sites every day, correct?

9 A. Which one?

10 Q. You weren't at any of them every day?

11 A. Actually, I was going around. I was on the road, like I
12 was going -- if I'm not in St. Cloud, I'm in Rochester. If
13 I'm not in Rochester, I'm in Mankato. If I'm not in
14 Mankato, I'm in Minneapolis. If I'm not in Minneapolis, I'm
15 in Willmar. So I was going around and around. That was my
16 job.

17 Q. I'm sorry, Mr. Liban. I think you testified earlier
18 that you were there three or four days a week, correct?

19 A. Well, Safari was a place where we used to get together.
20 You know, it depends. If I'm coming early, I would come --
21 if I come in early, I would go through the kitchen and go
22 that way. But there is a basement where we get together and
23 play lotto. We play lotto downstairs.

24 Q. You and Salim Said?

25 A. Well, there were a group of us, a bunch of us playing

1 lotto.

2 Q. All right. Mr. Liban, let's talk about the money you
3 spent out of this account. Okay?

4 All of the money that you deposited into the
5 Shimbirka account came from the Federal Child Nutrition
6 Program; is that correct?

7 A. What's the question?

8 Q. All of the money that you deposited into the Shimbirka
9 account came from the food program?

10 A. It came from the ads, food ads.

11 Q. But from sites participating in the Federal Child
12 Nutrition Program, correct?

13 A. Well, this money came from the advertising,
14 advertisement that I was doing for these different sites.

15 Q. The free food for kids, correct?

16 A. Yeah, it's for the children.

17 Q. In other words, you talked about being in advertising or
18 a social media influencer, right?

19 A. Well, I don't do that for free. I -- my advertisement
20 that I'm making is for profit. I get paid for it.

21 Q. I understand.

22 A. Because I have people working with me.

23 Q. But, Mr. Liban, my question -- I guess my point is this:
24 You had no other clients in 2021. The only people paying
25 you for your social media influencer posts were Salim Said

1 and his other -- these individuals that were running these
2 Federal Child Nutrition Program sites, correct?

3 A. I don't have time for anywhere else.

4 Q. Just the food program?

5 A. I was only doing the food program for the kids and doing
6 advertisement for them, and that's it.

7 Q. You were doing it for the kids?

8 THE INTERPRETER: I'm sorry?

9 BY MR. THOMPSON:

10 Q. You were doing it for the kids, Mr. Liban?

11 A. No. I was hired by the restaurants.

12 Q. Okay. One week after --

13 A. Well, you know, my job was -- I was hired by this
14 restaurant to advertise the food, and the food -- then I
15 take those videos, upload them and post them on social media
16 sites. I was one of the employees that were there.

17 Q. Okay. A week after opening the account, you used that
18 first money to buy a Toyota, is that right, here at page 5
19 of Government Exhibit 146?

20 A. RAV4? Are you talking about RAV4 or Tundra?

21 Q. Do you have two Toyotas that you bought?

22 A. I traded. I made a trade.

23 Q. You bought two Toyotas in 2021, correct?

24 A. I traded one for the other.

25 Q. Okay. A RAV4 and a Toyota Tundra?

1 A. Yes.

2 Q. Using the money you received from Salim Said and others
3 in the Federal Child Nutrition Program?

4 A. I work for Safari. I don't work for the feds. I don't
5 work for the police. I don't work for the government. I'm
6 only doing advertisement for Somali individual.

7 Yeah. Well, I was told that this food is for the
8 kids. That's what I've been told and that's the reason why
9 I was shooting those videos.

10 Q. Okay. And for the money, of course?

11 A. You think in this world people are working for free? I
12 only do advertisement. That's it. If we agree on the
13 price, then I work for you. If we don't come to an
14 agreement with the money, I'm going to walk away.

15 Q. You didn't walk away from this job, did you?

16 A. No. It just ended, the job. This job just ended.

17 Q. We'll get to that in a second.

18 In addition to the two Toyotas you purchased, you
19 used the money you earned in the food program to take a trip
20 to Kenya?

21 MR. MONTEZ: Objection. Outside the scope.

22 THE COURT: Move along, please. The objection is
23 sustained.

24 BY MR. THOMPSON:

25 Q. You were out of the country part of 2021, correct?

1 MR. MONTEZ: Objection.

2 MR. THOMPSON: It's relevant, Your Honor.

3 THE COURT: Overruled.

4 BY MR. THOMPSON:

5 Q. Correct?

6 A. Okay. Why do you earn money? Yeah, the reason I did
7 all these advertisement, I did these ads to -- and received
8 money, so that I can do whatever I want with my money.

9 Even if you want to sell your car today, bring it
10 to me. I will take -- record a video. I sell it for you.

11 Q. Okay. You said the food program ended; is that right?

12 A. Yes, it ended.

13 Q. And when it -- that was on January 20th of 2022; is that
14 right?

15 A. I don't remember.

16 Q. When there were search warrants executed in this case
17 and the investigation became public?

18 A. Yeah, something that was seen on TV. I don't remember.

19 Q. And that ended your advertising business, Shimbirka LLC?

20 A. Well, you know, since there's no job and there's nothing
21 to do and nothing is coming into the account, I need to
22 close down the account, right?

23 Q. There was no more money flowing in, right?

24 A. Well, you know, first of all, when I first started
25 working with them, I wanted to receive money. And he said,

1 Abdikadir asked me -- told me that I need to open up an LLC.
2 That's what he told me.

3 Q. Okay. I'm just saying that after -- when the Federal
4 Child Nutrition Program investigation became overt and the
5 food money stopped flowing, you no longer had any deposits
6 into your Shimbirka LLC account, correct?

7 A. Well, when that stopped. And then all these different
8 sites, their job stopped also.

9 Q. Okay. And within a couple of months your account was
10 overdrawn and it was closed by the bank, correct?

11 A. Do you want to know why it was overdrawn?

12 Q. No. I just want to know that it was closed down within
13 a couple months after the money stopped flowing.

14 A. Do you want me to answer that?

15 Q. I want you to answer that, yes, it was actually shut
16 down, your business ended when the food money stopped
17 flowing.

18 A. Yeah, well, I might -- don't I have a choice? I cannot
19 open an account or close an account?

20 Q. You can absolutely do it. I just think the reason was
21 that there was no more food money and so no more advertising
22 business, correct?

23 A. Well, that's actually your opinion. And I close it -- I
24 closed it myself, since, you know, the food was over and
25 then I decided to close it.

1 Q. Okay. Well, I'm going to show you, before I'm done
2 here, to close the loop, page 62 of Government Exhibit W146,
3 which shows that on May 5th, 2022, your bank account was
4 overdrawn and the bank asked you to contact them and close
5 the account, correct?

6 A. Well, as I'm speaking to you, both of my accounts are
7 overdrawn.

8 Q. Sitting here today?

9 A. Yes.

10 Q. So I take it, then, Mr. Liban, that since the Federal
11 Child Nutrition Program funds stopped flowing, you have not
12 been earning \$200,000 a year as a social media influencer
13 any longer?

14 A. Well, actually, you don't know how social media works.

15 Q. Mr. Liban, I'm not asking for how social media works.
16 I'm just pointing out that you are now an Uber driver with
17 two overdrawn bank accounts and are no longer making
18 \$200,000 a year over nine months from the Federal Child
19 Nutrition Program, correct?

20 A. Well, I'm not without a job. But you know what? In
21 America accounts get overdrawn all the time. It can happen.

22 MR. THOMPSON: No further questions, Your Honor.

23 THE COURT: Mr. Udoibok?

24 MR. UDOIBOK: No questions, Your Honor.

25 THE COURT: Mr. Montez?

1 MR. MONTEZ: No questions.

2 THE COURT: Sir, you may step down. Thank you.
3 Thank you for being here. You may step down.

4 And with that, we'll end for the day.

5 So you can go ahead. Thank you.

6 THE INTERPRETER: All right.

7 THE COURT: All rise for the jury.

8 Members of the jury, we'll see you at 9:00 Monday
9 morning. Thanks again for your patience here today.
10 5:15 p.m.

11 **IN OPEN COURT**

12 **(JURY NOT PRESENT)**

13 THE COURT: All right. We're off the record.

14 (Court adjourned at 5:16 p.m., 03-14-2025.)

15 * * *

16 I, Renee A. Rogge, certify that the foregoing is a
17 correct transcript from the record of proceedings in the
18 above-entitled matter.

19 Certified by: /s/Renee A. Rogge
20 Renee A. Rogge, RMR-CRR

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