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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,)	
)	File No. 22-cr-124
Plaintiff,)	(NEB/DTS)
)	
v.)	
)	
Abdiaziz Shafii Farah(1),)	Courtroom 13W
Mohamed Jama Ismail(2),)	Minneapolis, Minnesota
Abdimajid Mohamed Nur(4),)	Wednesday, May 1, 2024
Said Shafii Farah(5),)	9:00 a.m.
Abdiwahab Maalim Aftin(6),)	
Mukhtar Mohamed Shariff(7),)	
Hayat Mohamed Nur(8),)	
)	
Defendants.)	
)	

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

JURY TRIAL PROCEEDINGS - VOLUME VII OF XXX

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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IN OPEN COURT

(JURY PRESENT)

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

Ms. Honer, you remain under oath.

EMILY HONER,

called on behalf of the government, was previously sworn, was further examined and testified as follows:

THE COURT: Mr. Cotter, you may continue your cross-examination.

MR. COTTER: Thank you, Your Honor.

CROSS-EXAMINATION (Resumed)

BY MR. COTTER:

Q. Good morning.

A. Good morning.

Q. It's a long day for you, so we will start fresh.

We had left off going through some of the waivers.

I only have one more --

A. Okay.

Q. -- to go through and then we will move on from that.

If we could put up D2-6, please, just for the witness.

This is Child Nutrition Response Number 4. Do you recognize this?

A. Yes, I do.

1 Q. And this is the nationwide waiver to allow meal pattern
2 flexibility in the Child Nutrition Program?

3 A. It appears so, yes.

4 Q. And this was one of the initial waivers that were put
5 into place by the USDA upon the pandemic?

6 A. It appears so by the number, yes.

7 Q. Okay. And are you familiar with this particular waiver,
8 and is this a fair representation of the document put out by
9 the USDA?

10 A. It appears to be, yes.

11 MR. COTTER: All right. I'd move to admit D2-6,
12 Your Honor.

13 THE COURT: Any objection?

14 MR. THOMPSON: No objection.

15 THE COURT: D2-6 is admitted and may be published.

16 MR. COTTER: Thank you.

17 BY MR. COTTER:

18 Q. So this particular waiver, is a true in essence what it
19 meant was that if particular foods were difficult to procure
20 during this time or there was difficulty with the
21 distribution of certain things, there would be some
22 flexibility in the menu and how you would be able to provide
23 nutritious meals to children?

24 A. I'm not as familiar with this waiver, but I believe so.

25 Q. Okay. Thank you very much.

1 We can take that down.

2 Now we'll move on from the waivers.

3 A. Okay.

4 Q. I just have a couple of questions, again, on sites.
5 We've talked about sites, and we've talked about what an
6 open site meant.

7 A. Mm-hmm.

8 Q. And during -- well, sorry. I think for the -- we have
9 to say yes or no.

10 A. Oh, yes. Sorry.

11 Q. Thank you. And then an open site during the pandemic
12 essentially meant anybody could come from anywhere to that
13 site to get food, correct?

14 A. Well, an open site remained the same definition before
15 COVID, during COVID and after COVID.

16 Q. Because of the waiver, however, it allowed -- took away
17 the area eligibility so people could come from any location
18 to a site, correct?

19 A. Correct, which is different than the open site
20 classification.

21 Q. It's different than the open site, but in combination
22 with the waiver, that was the practical effect, correct?

23 A. I would disagree. I would say that the area eligibility
24 waiver allowed sites to operate across Minnesota. It didn't
25 necessarily encourage individuals and children to come from

1 all over Minnesota to one particular site.

2 Q. It didn't encourage, but it didn't restrict people from
3 coming to a particular site from any location, did it?

4 A. It did not, but, again, it did not before COVID either.

5 Q. Okay. So the specific location of a site, my
6 recollection of your direct examination was that it was a
7 longitude and latitude, correct?

8 A. Correct. A site is identified by longitude and
9 latitude, and is a spot where meals are served.

10 Q. Thank you.

11 And in particular, that definition, a spot where
12 meals are served, during the pandemic essentially even
13 school districts had buses that were loaded up with meals
14 and taken to a location to be handed out, correct?

15 A. If those buses were safe to do so with proper food
16 handling.

17 Q. So the answer is yes, during the pandemic school buses
18 were used to go to a specific location and essentially
19 distribute food, correct?

20 A. They could be.

21 Q. All right. And that location could be a parking lot, it
22 could be any number of locations, as long as it had a
23 longitude or a latitude, correct?

24 A. I would disagree. When schools used their buses to
25 provide meals, it was done on the home delivery basis. And

1 so a bus might go to a corner of a neighborhood.

2 Q. Okay. That was maybe a better way to say it. Instead
3 of a parking lot, they might go to a specific location in a
4 neighbor and park the bus and people could show up and be
5 distributed a meal outside the bus, correct?

6 A. Again, it was on the home delivery, so those children
7 would have had to sign up for that meal and their parents
8 would have had to provide permission.

9 Q. That was on a home delivery from the school?

10 A. Correct.

11 Q. Got it. But let's go back to a site that -- give me
12 just one minute. If a site was just being advertised
13 essentially to the public to come to collect food, an open
14 site, that would be a location where the meal was served,
15 correct?

16 A. Yes, that would be a location where the meal was served.

17 Q. And if we had noncongregate feeding and people were
18 coming to pick up the meals and take them to their home to
19 eat, correct?

20 A. They could, yes.

21 Q. And we had mealtime flexibility, meaning that there was
22 not a set time where you had to show up during breakfast,
23 lunch or dinner, you could come and pick up your meals for
24 an entire day, for example, correct?

25 A. That is correct.

1 Q. And we had bulk meals by combining the waivers where
2 multiple meals could be served over -- you could come and
3 show up and pick up meals that were to cover multiple days,
4 correct?

5 A. That was possible, yes.

6 Q. And this would happen in that situation at a location,
7 for example, if it was advertised to be picked up at a set
8 of condominiums and it was in a parking lot or a location
9 there, people could come and be distributed their meals at
10 that location, correct?

11 A. Yes. Again, as long as proper food handling and all the
12 other pieces were met.

13 Q. Well, of course, all the other rules. But that was an
14 option for how meals could be distributed during the
15 pandemic, correct?

16 A. Yes.

17 Q. You've already covered this, but I need to cover it a
18 little bit more specifically.

19 We've talked about MDE. Talked a little bit about
20 the sponsors.

21 A. Mm-hmm.

22 Q. A lot more to be covered with that, but I think maybe
23 some colleagues might cover that more, so I will come back
24 to it if necessary.

25 There are sites that we've talked about; is that

1 correct?

2 A. That is correct.

3 Q. And then there's the actual meal vendors that you've
4 talked about; is that correct?

5 A. That is correct.

6 Q. All right. And we've talked about the Code of Federal
7 Regulations, and you said you were familiar with them; is
8 that correct?

9 A. That is correct.

10 Q. And in fact the definition of a meal vendor in the
11 regulation is a food service management company; is that
12 correct?

13 A. I am not familiar with the exact definition.

14 Q. Okay. Then I won't grill you on the exact definition.

15 But you understand them to be called vendors, or I
16 think you also used the term "caterer"; is that correct?

17 A. Caterer. And I would agree I would also use the term
18 "food service management company."

19 Q. In fact, that went on the CLiCS form, I think, that
20 FC -- or FSMC, correct?

21 A. I believe it actually says FSMC/vended, yes.

22 Q. Thank you. And that, to your knowledge, stood for food
23 service management company/vended or vendor?

24 A. That is correct.

25 Q. All right. So the vendor is the person -- the group

1 that actually procures and distributes, packages and
2 distributes the food to a site; is that correct?

3 A. No, they would definitely not procure it.

4 I suppose in -- when I say not procuring it, they
5 would not procure their own contract of such.

6 Q. Right.

7 A. But if you're saying procuring the groceries that go
8 into that meal, yes.

9 Q. That's what I meant. So thank you for clarifying that
10 for me.

11 And then that particular company could be, and in
12 fact one option was for it to be a private enterprise, a
13 for-profit company, correct?

14 A. That is correct.

15 Q. All right. And you kind of talked about Aramark, for
16 example, is one of those type of companies for -- that are
17 available to sponsors even today, correct?

18 A. Yes.

19 Q. All right. And so they're a for-profit business that's
20 in the business of vending for sponsors in the food
21 programs, correct?

22 A. I believe so, yes.

23 Q. And as a for-profit business, of course, I know you're
24 not an expert in business, but -- and if you don't know the
25 answer, you just say "I don't know." But essentially they

1 would have to use resources to have appropriate logistics in
2 place for distributing the food; is that correct?

3 A. That is correct.

4 Q. They would have to have the available equipment, trucks
5 and refrigerated trucks and all of those types of things to
6 distribute the food; is that correct?

7 A. That is correct.

8 Q. They would have to have staff to properly be able to
9 actually make this operation work; is that correct?

10 A. That is correct.

11 Q. And, of course, as you stated, those costs in and of
12 themselves, they'd have to come up with and put into their
13 business in order to participate as a business in the
14 program, correct?

15 A. Correct.

16 Q. All right. And then it's, of course, up to them to
17 figure out how to actually turn a profit, because all they
18 can be reimbursed on is the meals that can be reimbursed
19 under the program, correct?

20 A. Well, they're not -- a vendor is not directly
21 reimbursed.

22 Q. Right.

23 A. It is what the set price is in the contract.

24 Q. I was just going to get to that. Thank you. So I'll
25 move -- I jumped ahead of myself.

1 So ultimately the for-profit vendor has to submit
2 their bill to the site who submits it to the sponsor who
3 submits it to MDE to be paid. MDE pays just the meal,
4 excuse me.

5 A. Just the meals, correct.

6 Q. And then it has to be distributed out from the sponsor
7 to the site and from the site to the vendor.

8 A. That is one way for vended meal contracts to be paid on,
9 yes.

10 Q. Got it. Thank you.

11 Then we're talking about -- and, again, I'm not
12 going to go into every detail of this with you, but this is
13 in essence a reimbursement program, the Food Nutrition
14 Programs; is that correct.

15 A. Reimbursement of meals, yes.

16 Q. Thank you. And what that means is that the vendors'
17 sites, so they have to have already secured the food that
18 makes up the meals, packaged it, delivered it and distribute
19 it before they can submit their bill to the sponsor with all
20 of the supporting documents; is that correct?

21 A. That is correct.

22 Q. And then once that is approved by the sponsor, the
23 sponsor submits that through the CLiCS program to MDE to be
24 paid; is that correct?

25 A. That is correct.

1 Q. And MDE has to approve that and then remit payment on a
2 per meal basis to the sponsor; is that correct?

3 A. That is correct.

4 Q. All right. And the amount that is paid is set by the
5 USDA, the reimbursement rate it's called; is that correct?

6 A. That is correct, yes.

7 Q. And essentially there's a rate that is set, and probably
8 changed from time to time by the USDA, for each type of
9 meal; is that correct?

10 A. Yes, that is correct. And it changes each year.

11 Q. It changes each year. They review it, look at inflation
12 and all of those things and reset the rate; is that correct?

13 A. That is correct, yes. There's a formula that goes into
14 that.

15 Q. Thank you. And that formula -- I'm not going to get
16 into the formula. But ultimately the rate is set for a
17 breakfast, a lunch, a snack and a dinner, all by the USDA
18 that is applied by MDE in reimbursing per meal; is that
19 correct?

20 A. Yes. Generally, yes. There's a lot of different
21 reimbursement rates, but generally yes.

22 Q. All right. So now I'm going to move on to the -- just a
23 little bit into your concerns and ultimately what happened
24 regarding this lawsuit.

25 There was a lawsuit that was filed by Feeding Our

1 Future against MDE; is that correct?

2 A. That is correct.

3 Q. And it was in some ways personal to you because they
4 were making some accusations about your staff and yourself
5 and what you were approving or not approving?

6 A. I wouldn't agree necessarily with that. I would agree
7 that I was named in certain parts of the document and I had
8 to take part because it was my team, but I wouldn't say that
9 I took it personally.

10 Q. Okay. I didn't mean you took it personally. I just
11 said you were named, and so it was personal in the sense
12 that you were specifically identified in the lawsuit,
13 correct?

14 A. Not in the actual lawsuit. Again, it was in some of the
15 interrogatories and responses.

16 Q. Got it. As part of the litigation.

17 A. Correct.

18 Q. Thank you. So before that lawsuit was filed, you had
19 noticed the sponsors, which was Partners in Nutrition and
20 Feeding Our Future, that you were going to stop payment on
21 some of the claims; is that correct?

22 A. No, that's not correct. The stop payment happened after
23 the lawsuit was filed.

24 Q. Okay. Had you been in communications with them saying
25 you had -- you know, telling them something was wrong with

1 the paperwork or anything?

2 A. Yes. So -- sorry, you want me to answer that?

3 Q. I think you just did.

4 A. Okay.

5 Q. You were in communication with them.

6 And, again, turning back then to the Code of
7 Federal Regulations, were you trained on -- you've talked
8 about familiarity with Chapter 7, Section 226.

9 A. Yes.

10 Q. All right. And that there's a particular section that
11 talks about what some of the options are for MDE if they
12 have concerns about paying out a claim, correct?

13 A. Yes, there are multiple sections.

14 Q. One of those sections is 7 C.F.R. 226.14; is that
15 correct?

16 A. I do not know that specifically.

17 Q. Okay. Do you recall as part of that litigation we just
18 discussed that you signed off on what's called a declaration
19 where you are making specific statements?

20 A. I -- yes, I signed multiple declarations, I believe.

21 Q. All right. And would it refresh your recollection to
22 review one of your declarations that specifically identifies
23 this section that I'm talking about, 226.14?

24 A. Sure.

25 MR. COTTER: Your Honor, may I approach?

1 THE COURT: You may.

2 MR. COTTER: In paragraph 3. Thank you.

3 MR. THOMPSON: Thanks.

4 MR. COTTER: Paragraph 3.

5 BY MR. COTTER:

6 Q. Do you recall in stating in your declaration that MDE
7 would continue to review the validity of claims and seek to
8 recoup any paid claims found to be invalid, and you
9 specifically identified the procedures under 7 C.F.R. 225.12
10 and 226.14?

11 A. It appears that I did, yes.

12 Q. All right. And those procedures actually lay out a
13 specific framework for MDE to disallow or not pay claims
14 that they don't believe to be valid, correct?

15 A. That could be, yes.

16 Q. And one of them is to disallow the claim or stop payment
17 on it; is that correct?

18 A. I believe that is one of the options.

19 Q. In fact, MDE has the authority to demand reimbursement
20 for improper payments from a sponsor; is that correct?

21 A. I believe that is correct, yes.

22 Q. And in fact, the federal aspect of Food Nutrition
23 Service would have the -- excuse me -- the authority to
24 demand reimbursement from MDE if it felt that there was
25 overpayments that were not made validly; is that correct?

1 A. That is a possibility, yes.

2 Q. And that's all written into the rules, right?

3 A. I believe so, yes.

4 Q. And in this case you ultimately -- or MDE, it wasn't
5 just you obviously, made the decision to continue paying
6 these claims, correct?

7 A. That is correct.

8 Q. You did not disallow or stop payment of the claims,
9 correct?

10 A. Well, again, we did stop payment.

11 Q. And then repaid them?

12 A. Correct.

13 Q. And you did not seek or demand a civil remedy of
14 reimbursement from the sponsor, because you felt that these
15 were not valid claims, did you?

16 A. Not to my knowledge.

17 Q. And I apologize, I realize -- I'll just -- I mean, you
18 have supervisors yourself; is that right?

19 A. I do.

20 Q. Who is your direct report? Who do you report to?

21 A. As of right now, I report to Assistant Commissioner
22 Daron Korte.

23 Q. Okay. So he would be the assistant commissioner. He
24 was actually kind of the head of the food nutrition section
25 of MDE -- excuse me -- yeah, MDE?

1 A. He oversees that division, yes.

2 Q. And was there also another, at least at the time that's
3 relevant here, a woman named Monica Herrera?

4 A. That is correct. She was my director at that time.

5 Q. Director. And what was her title?

6 A. Director of Nutrition Program Services.

7 Q. All right. So she was your direct report, and then she
8 direct reported to Assistant Commissioner Korte; is that
9 correct?

10 A. That is correct.

11 Q. So you weren't making these decisions on your own in a
12 vacuum, these decisions were being made by MDE and people
13 that had more authority than you did, correct?

14 A. I would agree that MDE was making these decisions.

15 Q. All right. This lawsuit was between Feeding Our Future
16 and MDE; is that correct?

17 A. That is correct.

18 Q. All right. Partners in Nutrition was not a party to?
19 Party to?

20 A. Not to my knowledge.

21 Q. Got it. Empire Cuisine & Market was not a party to.
22 They hadn't sued MDE saying MDE had done something wrong,
23 correct?

24 A. Not to my knowledge.

25 Q. Mohamed Ismail certainly was not a party to that lawsuit

1 or knowing what was going on in it, correct?

2 A. I do not know. Not to my knowledge.

3 Q. Well, you do know he wasn't a party to the lawsuit,
4 right?

5 A. Not to my knowledge.

6 Q. Would it be a fair statement to say that during the
7 course of this time frame where you had concerns about the
8 validity of the claims and you had brought this to the
9 attention of your supervisors, you have no idea what was
10 specifically being communicated to the meal vendors like
11 Mr. Ismail from their sponsors, do you?

12 A. Not necessarily, no.

13 Q. All right. And you or no one from MDE specifically
14 directly communicated with Mr. Ismail or any of the vendors
15 subject to this particular case to specifically directly
16 tell them they needed to stop doing something, change what
17 they were doing, because your job is to work through the
18 sponsors, correct?

19 A. Although I would agree we didn't reach out, we had a
20 number of individuals that identified themselves as vendors,
21 site operators, community members that would contact our
22 offices, and we gave program information to. I do not know
23 those individuals by name.

24 Q. Right. So you can't sit here, again, and say that my
25 client ever communicated with MDE or MDE ever communicated

1 with my client that he was doing something wrong?

2 A. I do not know that specifically.

3 Q. All right.

4 MR. COTTER: I have no further questions. Thank
5 you very much.

6 THE COURT: Mr. Birrell.

7 CROSS-EXAMINATION

8 BY MR. IAN BIRRELL:

9 Q. Good morning, Ms. Honer.

10 A. Good morning.

11 Q. My name is Ian Birrell. I represent Abdiaziz Farah.
12 And we've never met or spoken, correct?

13 A. Not to my knowledge.

14 Q. And you've never met or spoken with Mr. Farah to the
15 best of your knowledge as well, correct?

16 A. I believe by email but not face to face.

17 Q. And you know from the contracts that Mr. Farah was a
18 manager or owner of Empire Cuisine & Market, right?

19 A. I believe that's what the signature was written as.

20 Q. And I think you mentioned yesterday that you thought he
21 might be an owner of ThinkTechAct but you weren't confident
22 about that.

23 A. That is correct.

24 Q. And what would the basis for that opinion or memory be?

25 A. So I remember emails with Mr. Abdiaziz, and that was

1 during the time frame that ThinkTechAct was applying to be a
2 sponsor of the Child Nutrition Programs.

3 Q. So you were relying on documents generally to make that
4 opinion?

5 A. An email address.

6 Q. Email address?

7 A. Yes.

8 Q. And if emails or documents showed that somebody else was
9 the owner of ThinkTechAct, would you reevaluate that
10 opinion?

11 A. Sure, yes.

12 Q. So it's not a vivid memory, vivid impression; is that
13 fair?

14 A. That's fair.

15 Q. Okay. And the bulk of the months at issue here, Empire
16 was a vendor in the program, right?

17 A. From October of 2020 through '21, so yes.

18 Q. Okay. And vendor, caterer, FSMC, food service
19 management company, they're all terms that describe the same
20 basics role, right?

21 A. I would agree with that.

22 Q. And vendors were permitted to make a profit in their
23 participation in the program, right?

24 A. Generally, yes.

25 Q. Some vendors were, right?

1 A. Yes.

2 Q. And that -- we talked a lot about waivers, but that
3 wasn't the subject of a waiver, right? That was true before
4 COVID, during COVID and remains true today, right?

5 A. Well, it's my understanding it's basic business
6 principles of a for-profit business.

7 Q. So just to make sure I understand that there's not any
8 confusion here, for-profit businesses were permitted to be
9 vendors, right?

10 A. That is correct.

11 Q. Like Aramark is a for-profit business?

12 A. I believe so.

13 Q. And you don't know if Aramark actually makes a profit
14 through their participation in the program or not, right?

15 A. That's correct. That is their business decision.

16 Q. And that's not something you have visibility to, right?

17 A. That is correct.

18 Q. That's not your job, right?

19 A. That is correct.

20 Q. Just like it's not your job to decide these laws or
21 create these regulations, right?

22 A. I would agree with that.

23 Q. Your job is to administer the Child Nutrition Program
24 according to these rules and laws, fair?

25 A. I would agree with that.

1 Q. And you specifically are focused on making sure that
2 high quality food gets to where it needs to go, right?

3 A. High quality meals, yes.

4 Q. High quality meals. And we'll talk about why that's
5 important. And that it's billed in the correct quantities
6 generally, right?

7 A. I wouldn't say billed as expended with the child
8 nutrition funds.

9 Q. And the quantity is an important part of that, right?
10 If I may be more clear, the quantity of meals being
11 distributed to children, right?

12 A. Yes, especially for the claim.

13 Q. Right. And we've talked a lot about the specific
14 details of the program, but I want to talk a little bit
15 about big picture how this works, the structure of the
16 program. Okay?

17 A. Okay.

18 Q. So you work for MDE?

19 A. I do.

20 Q. Empire was a vendor at the time.

21 A. Okay.

22 Q. Right?

23 A. Sure, yes.

24 Q. And you know that PIN was their main nonprofit sponsor,
25 right?

1 A. I did believe that to be true, yes.

2 Q. And PIN, Partners in Quality Care, Partners in
3 Nutrition, PIQC, they all describe the same thing, right?

4 A. It is the same organization, yes.

5 Q. With four different names, basically?

6 A. Yes.

7 Q. And that organization was led by a woman named Kara
8 Lomen, right?

9 A. That is my understanding.

10 Q. And you talked to Ms. Lomen or communicated with
11 Ms. Lomen pretty frequently; is that correct?

12 A. That is correct.

13 Q. Do you know the last time you communicated with her?

14 A. Yes, it was within the last couple of months through
15 their attorney.

16 Q. Okay. And to continue to make sure that we have all the
17 definitions clear, sites are locations where food is given
18 to the general public, right?

19 A. Not the general public. To children.

20 Q. To children, and during the time of the pandemic
21 parents, pursuant to some of these waivers, correct?

22 A. Parents could pick up the food, but the food and the
23 meals, the meals were meant for children.

24 Q. Right. And sponsors were administering this program at
25 a high level, right?

1 A. I would agree with that.

2 Q. And the structure of the program was set up so MDE and
3 you would primarily communicate with these nonprofit
4 sponsors, right?

5 A. That is correct.

6 Q. Rather than communicating with the vendors directly,
7 right?

8 A. That is correct.

9 Q. Or communicating with the sites directly?

10 A. Also correct.

11 Q. And we spent hours yesterday going through CLiCS
12 documents. But just at a high level for now, CLiCS is a
13 website where information gets transmitted between MDE and
14 sponsors, right?

15 A. I would agree with that.

16 Q. And CLiCS is a central part of the administration of the
17 program, fair?

18 A. I would also agree with that.

19 Q. And the documents and claims on CLiCS are not open to
20 the general public, right?

21 A. I would agree with that, they are not.

22 Q. And specifically the way a sponsor looks at what they
23 have on CLiCS is they have a user name and password and they
24 log into the portal, right?

25 A. That is correct.

1 Q. Like the same way they would log in presumably to an
2 email account or a bank account online?

3 A. Generally with user name and password, yes.

4 Q. Right. High level. And the same thing, MDE has a
5 log-in information, if you want to look at this, you type in
6 some user name and password, right?

7 A. That is correct.

8 Q. And obviously I'm not going to ask you what they are.

9 A. Thank you.

10 Q. And all the documents that go through CLiCS, they are
11 submitted by sponsors to MDE, right?

12 A. That is correct.

13 Q. Nothing is submitted by a vendor, to your knowledge?

14 A. Not to my knowledge.

15 Q. And that would make sense because vendors don't have
16 log-in information, right?

17 A. Not in the Child and Adult Care Food Program or the
18 Summer Food Program.

19 Q. So for these two programs we're talking about, the
20 reason you're here --

21 A. That's correct.

22 Q. -- they wouldn't have log-in information? And Abdi
23 Farah wouldn't have had any log-in information, to your
24 knowledge?

25 A. Not to my knowledge.

1 Q. And CLiCS did a couple main things in this program,
2 right?

3 A. Yes.

4 Q. And one of the main roles that CLiCS had is to create a
5 new site, right?

6 A. Yes.

7 Q. So when a sponsor said we want food to be served at ABC
8 childcare center, they would submit an application to MDE
9 through CLiCS, right?

10 A. Yes. And I know we're talking generally. New sites get
11 submitted paper form, and then we create the profile in
12 CLiCS. But generally, yes.

13 Q. Okay. So there's some part of the program that has to
14 go through CLiCS, right?

15 A. Absolutely.

16 Q. And there are documents that are provided as part of
17 that site creation process, and those go through CLiCS as
18 well, right?

19 A. Correct.

20 Q. And we saw some of those contracts yesterday, fair?

21 A. That is fair.

22 Q. And as part of the application process, the sponsor
23 proposes a cap in the number of meals distributed, right?

24 A. That is correct.

25 Q. A maximum?

1 A. Yes.

2 Q. And MDE reviews the documents in the application, right?

3 A. That is correct.

4 Q. And there's some process, some metrics they use to
5 decide is this appropriate as a new site or not, right?

6 A. That is correct.

7 Q. And it either approves it or denies it, thumbs up or
8 thumbs down?

9 A. That is correct.

10 Q. And there's a similar process MDE uses -- well, there's
11 a similar process the sponsor uses when making a claim for
12 reimbursement, right?

13 A. I would agree with that.

14 Q. So it's different in some ways, but it also goes through
15 CLiCS, right?

16 A. That is correct.

17 Q. And what it says basically is this many meals were
18 provided at this site?

19 A. That is correct.

20 Q. This many breakfasts, lunches, snacks and suppers,
21 right?

22 A. Yes.

23 Q. And someone at the vendor would log into CLiCS and put
24 the number of meals and apply for approval, right?

25 A. At the sponsor, not the vendor.

1 Q. I said vendor?

2 A. Yes.

3 Q. Someone at the sponsor would log in and put the number
4 of meals and apply for approval?

5 A. That is correct.

6 Q. The vendor wouldn't do that, right?

7 A. Not the vendor.

8 Q. Like we just talked about, fair?

9 A. Correct.

10 MR. IAN BIRRELL: And, Kaitlyn, if you could pull
11 up Government Exhibit C-17, which I believe is in evidence,
12 and go to page 37. And if you can blow up Sponsoring
13 Authority Certification.

14 BY MR. IAN BIRRELL:

15 Q. With every bill for meals that was provided, the sponsor
16 had to approve that it was accurate, correct?

17 A. That is correct.

18 Q. And specifically they had to -- to read part of this out
19 loud -- "take full responsibility for ensuring that this
20 claim accurately represents the number of meals and milks
21 served by reimbursement category, that records are available
22 to support this claim, that this claim is in accordance with
23 the program agreement and that payment, therefore, has not
24 been received." Right?

25 A. That is correct. That's what that says.

1 Q. And the program agreement is the rules in the contracts,
2 right?

3 A. The program agreement is a separate contract or
4 agreement that is signed by the sponsor and the state agency
5 and refers to the rules and regulations, yes.

6 Q. The state agency being MDE?

7 A. That is correct.

8 Q. Okay. And then the sponsor has to certify, right, that
9 the information is being given in connection with the
10 receipt of federal funds. That officials of the U.S.
11 Department of Agriculture and the Minnesota Department of
12 Education may verify this information, and that deliberate
13 misrepresentation may subject me, the person making the
14 approval, to prosecution under applicable state and federal
15 criminal statutes. Right?

16 A. That is correct.

17 Q. Thank you.

18 MR. IAN BIRRELL: And you can clear that, Kaitlyn.

19 BY MR. IAN BIRRELL:

20 Q. So with every bill the sponsor was making for
21 reimbursement, they had to make that certification, right?

22 A. That is correct.

23 Q. And then MDE would approve or not approve these bills,
24 too, just like for the sites?

25 A. Yes. And as I mentioned yesterday, the claims are auto

1 approved based on how they match edits.

2 Q. So by default they are approved unless MDE takes some
3 action to give them the thumbs down?

4 A. That is correct.

5 Q. And no one else has the authority to approve or deny
6 these claims, it's only MDE, right?

7 A. I would agree with that.

8 Q. And as Mr. Cotter mentioned, this whole process happened
9 before the money was distributed, right?

10 A. That is correct.

11 Q. And then if these claims are approved, then the money
12 gets distributed according to the terms of the contract,
13 right?

14 A. That's how it should work, yes.

15 Q. And sometimes that means the money goes from MDE to the
16 sponsor, to the site, to the vendor; and sometimes it goes
17 in a slightly different way, right?

18 A. That is correct.

19 Q. But directly the money goes to the sponsor always?

20 A. That is correct.

21 Q. And the way sponsors are created -- we talked about the
22 way sites are created, but sponsors are created by applying
23 to join the program to MDE, right?

24 A. That is correct.

25 Q. And there are rules on that, right?

1 A. Yes, there are.

2 Q. So they have to be a nonprofit?

3 A. In -- in the circumstances of an unaffiliated sponsor,
4 yes, they have to be a nonprofit.

5 Q. And these specific sponsors we're talking about, like
6 Partners in Nutrition, Feeding Our Future, were unaffiliated
7 sponsors?

8 A. That is correct.

9 Q. And they have to show that they're a nonprofit to be an
10 unaffiliated sponsor?

11 A. That is correct.

12 Q. And someone at MDE evaluates their experience, their
13 personnel and makes sure they are a good fit for the
14 program; is that right?

15 A. On initial application, yes.

16 Q. What do you mean by that? I'm not --

17 A. Oh, in the evaluation, when you're talking about their
18 application, yes, that happens.

19 Q. Okay. Is that something that you personally would do or
20 someone in the division or --

21 A. From the time of 2019 to 2022, I would take part in that
22 because I oversaw staff that did that directly.

23 Q. Okay. And then what -- so what would you and your staff
24 look for in deciding whether this entity wants to be a
25 sponsor, should we approve them or not?

1 A. Sure. So the general pieces that we look for are
2 financial viability, program accountability and capability.

3 Q. Okay. And that's because these things are important
4 because sponsors are entrusted with a lot of power, right?

5 A. I would agree with that.

6 Q. And MDE relies on them to do what they're supposed to
7 do, right?

8 A. I would agree with that.

9 Q. And MDE also tries to help them and equip them with the
10 tools they need to do their job, too, right?

11 A. I would absolutely agree with that.

12 Q. So MDE trains the sponsors, right?

13 A. Yes.

14 Q. Supervises and manages their operations as well as they
15 can?

16 A. We evaluate their operations on review, yes.

17 Q. You tell them, hey, if there's a problem, come to us and
18 we'll try to help, right?

19 A. Yes.

20 Q. Because you're not trying to be watchdogs here, you're
21 trying to make sure food gets to the people it needs to get
22 to, right?

23 A. We're trying to make sure that these programs are
24 successful, yes.

25 Q. Right. "Successful" means what to you?

1 A. That children receive healthy, nutritious meals.

2 Q. Right. So you tell the sponsors the -- you being MDE,
3 tells the sponsors the rules of the program, right?

4 A. We do.

5 Q. And helps make sure they're compliant with the rules?

6 A. That is correct.

7 Q. And the rules can be complex and intricate; is that
8 fair?

9 A. I think that is fair.

10 Q. And you help them address and manage problems when they
11 arise, right?

12 A. I would agree with that.

13 Q. So if there was moldy bread being served as part of a
14 lunch, that there would be some -- some plan for how is this
15 not going to happen in the future, right?

16 A. Yes, that is correct.

17 Q. And I think you talked about yesterday something similar
18 that happened when you were working with Providers Choice;
19 is that right?

20 A. Yes. So it was not food related, it was financial
21 management. When I was on that review, I felt they needed
22 additional financial management staff.

23 Q. What does financial management mean?

24 A. I thought there needed to be another person for
25 separation of duties.

1 Q. Okay. And so -- and that was to make sure they were
2 complying with these rules that we were talking about?

3 A. Yes, rules for the Child Nutrition Program, also just
4 general rules for receiving federal dollars.

5 Q. And just general best practices, right?

6 A. Correct.

7 Q. Okay. And we talked about how MDE works with and
8 approves the sponsor.

9 A. Mm-hmm.

10 Q. And then the sponsor works with sites and vendors and
11 supervises the sites and vendors, right?

12 A. That is correct, yes. It's called monitoring.

13 Q. Monitors. That's how the program is set up to work,
14 right?

15 A. That is correct.

16 Q. And the sites and vendors themselves are the ones --
17 well, the sites are the ones doing the food distribution,
18 right?

19 A. The meal distribution, yes, and the programming.

20 Q. And the vendors are not -- well, procuring the food in
21 some sense. They're not creating their own milk. They're
22 buying milk from somewhere else, assembling it and making
23 sure it gets to the sites, that's the vendors' job, right?

24 A. I could agree with that generally, yes.

25 Q. And the sponsor then helps vendors, trains the vendors

1 on the rules, right?

2 A. Yes, I would agree with that.

3 Q. Sponsor trains them on things like civil rights, right?

4 A. Yes.

5 Q. Which is don't turn people away for improper reasons,
6 right?

7 A. In very general --

8 Q. Very general terms, right?

9 A. Yes.

10 Q. Sponsor trains the vendors on billing practices, right?

11 A. And, again, vendor and the sponsor should abide by their
12 contract. So the sponsor trains their sites, and then as
13 far as the vendor goes, the invoicing and such should also
14 be general business practices.

15 Q. And these -- the contracts, the sponsor and vendor
16 operate under the terms of these contracts, right?

17 A. That is correct.

18 Q. And the contracts that the sponsors are taught to use
19 are these contracts drafted by MDE, right?

20 A. Yes. The contract templates have required standard
21 writing in there as well.

22 Q. Yeah. So MDE says what has to be in there, and then
23 that's updated yearly or so?

24 A. That is correct.

25 Q. Okay. And the sponsor trains the vendor on culturally

1 appropriate food, right, making sure sometimes --

2 A. Sometimes.

3 Q. -- there's some food that needs to be given in some
4 places, right?

5 A. Sure, sometimes.

6 Q. And the sponsor trains the vendor on what the specific
7 food quality requirements are in the Child Nutrition
8 Programs, right?

9 A. Sometimes they -- yes.

10 Q. So they would help -- we talked about the five food
11 groups yesterday, right?

12 A. Correct.

13 Q. Which are? Remind me.

14 A. So that's going to be fruit, vegetable, milk, meat or
15 meat alternate and whole grain.

16 Q. And you would work with the sponsors to make sure they
17 know that these need to be included in a meal that's
18 distributed to children, right?

19 A. Correct.

20 Q. And if it's missing a whole grain, then it's not a meal,
21 right?

22 A. In certain programs and meal types, yes.

23 Q. And then the sponsor would train the vendor in that to
24 make sure that they're not giving a child a gallon of milk
25 and saying here's your lunch, right?

1 A. Well, and where I disagree with that is in the bid for
2 the contract, the vendor should bid saying that they know
3 how to meet these, and the sponsor should be ensuring that
4 it is happening.

5 Q. So the sponsor's ensuring that it's happening?

6 A. Correct.

7 Q. And they're overseeing the vendor to make sure?

8 A. They're overseeing their contract.

9 Q. Right. The sponsor also conducts site monitoring,
10 right?

11 A. That is correct.

12 Q. And they conduct both preplanned visits, right?

13 A. Yes.

14 Q. And unannounced visits, drop-ins, to make sure that
15 everything is going appropriately?

16 A. That is correct.

17 Q. And the sponsor is entrusted to receive the money and
18 distribute it under the terms of this contract?

19 A. If the contract is between the sponsor and the vendor,
20 yes.

21 Q. Right. And the sponsor also trains the vendor on
22 documentation, right?

23 A. They would train on what documentation they would need
24 for this program, yes.

25 Q. And there's specific documentation that is needed for

1 this program, right?

2 A. That is correct.

3 Q. And you talked yesterday about menus, meal plans, meal
4 counts and receipts or invoices, right?

5 A. Yes, and attendance.

6 Q. And attendance. And there are a few other items that
7 are required also, but these -- this set of documentation is
8 itself important, right?

9 A. That is correct.

10 Q. And these particular documents are important because
11 together they show MDE the quality and quantity of food is
12 correct, right?

13 A. I would agree with that.

14 Q. So if a reviewer at MDE or the sponsor looks at a menu,
15 they will be able to see are these five food groups present,
16 right?

17 A. We should, yes.

18 Q. You should. And --

19 A. We should be able to see that.

20 Q. And if the menu shows something else, that would be a
21 problem that would have to be addressed, right?

22 A. That is correct.

23 Q. So let's say looks at the menu and it shows for each
24 lunch there's, say, one ounce of cheese, one apple and so
25 on, right?

1 A. Sure.

2 Q. And that helps assess the quality of the food that is --
3 the meals that are going to the children, right?

4 A. That it meets the meal pattern, yes.

5 Q. And then the reviewer looks at the meal counts and the
6 meal types and sees how many meals of each type were claimed
7 and were distributed, right?

8 A. Yes. The documentation should show that.

9 Q. And it should match up with the documentation in the
10 contracts, right?

11 A. Yes.

12 Q. So if the reviewer looks at it and sees there's 2,000
13 lunches claimed, they should be able to go to the contracts
14 and see that that is not an excessive number under the
15 contracts, correct?

16 A. I would agree so, yes.

17 Q. So if the cap is 1,000, they claim 2,000, that would be
18 another problem that would have to be addressed?

19 A. That is correct.

20 Q. And then the receipts, the reviewer can look at these
21 receipts and invoices, and they look at them for specific
22 food purchased from wholesalers, right?

23 A. Yes, that is one of the documentations that we would
24 look at.

25 Q. And to continue this example, they'd look at the

1 documentation and say, oh, each lunch was supposed to have
2 an ounce of cheese, an apple and so on, there were 2,000
3 lunches, so we better be able to look and see they bought
4 2,000 apples, 2,000 ounces of cheese and 2,000 so-ons?

5 MR. THOMPSON: Objection as to foundation. I'm
6 not sure who he's talking about is doing this review and
7 why.

8 THE COURT: Overruled. You may answer if you can.

9 THE WITNESS: Yes, we would look for those food
10 items.

11 BY MR. IAN BIRRELL:

12 Q. And if you saw -- if the reviewer saw no cheese, for
13 example, that would be a problem, right?

14 A. If the cheese was on the menu and was not ever bought,
15 yes, that would be a problem.

16 Q. And one thing I think you talked about briefly, one
17 piece of documentation, was meal substitutions?

18 A. I don't think I talked about that.

19 Q. Okay. Well, a meal substitution is a piece of
20 documentation that you would see if there was a problem in
21 providing some specific piece of food under -- that was
22 under the menu, right?

23 A. Yes. We see meal substitutions frequently.

24 Q. So, for example, if there was some problem getting
25 apples and the vendor couldn't get apples, say, they could

1 provide maybe an orange instead, right?

2 A. Sure.

3 Q. And this would be documented with the sponsor, right?

4 A. No. It must be documented at the site level with the
5 site documentation.

6 Q. Documented with the site.

7 A. Mm-hmm.

8 Q. And then the site would give that documentation to the
9 sponsor?

10 A. Yes.

11 Q. And then the vendor would give their documentation to
12 the sponsor as well? The documentation showing they
13 purchased --

14 A. That's one way.

15 Q. The documentation showing they purchased oranges rather
16 than apples, right?

17 A. Sure.

18 Q. So that when the reviewer at MDE looks at it, they can
19 see, oh, oranges -- apples weren't purchased, this looks
20 improper at first. But there's this exception, and oranges
21 were purchased and delivered instead. So it is still
22 compliant with the meal requirements, right?

23 A. Generally, yes.

24 Q. High level, right?

25 A. Mm-hmm.

1 Q. And that's the sort of -- that's why these specific
2 documents were important? Well, are important to MDE,
3 right?

4 A. Correct.

5 Q. They're looking for specific items within these
6 documents when they conduct the review?

7 A. Yes, these documents show compliance.

8 Q. So, again, high level. The sponsor sets up the
9 contracts, right?

10 A. That is one way.

11 Q. The vendor provides the food to the site.

12 A. That is correct.

13 Q. The site distributes the food to the children, or during
14 COVID times the parents to give to the children?

15 A. That is correct.

16 Q. The sponsor keeps the supporting documents, right?

17 A. That is correct.

18 Q. And when I say supporting documents, they receive
19 supporting documents from the vendor and then keep them,
20 right?

21 A. That is correct.

22 Q. In the ordinary course of business, they don't send them
23 along to MDE, right?

24 A. That is also correct.

25 Q. They have to keep them for three years plus the year --

1 A. The current --

2 Q. -- they're doing business?

3 A. Yes.

4 Q. So right now it's the middle of 2024. So they'd have to
5 keep these documents through 2027?

6 A. I believe that is correct.

7 Q. Okay. But the sponsor does send the bill through CLiCS
8 like we talked about?

9 A. The reimbursement request.

10 Q. The reimbursement request. Bill could mean like five
11 different things in this context, right?

12 A. Sure.

13 Q. And that's the portal that the vendors can't log into
14 and don't know specifically what's in there, right?

15 A. I would agree with that.

16 Q. And there's even a piece -- these internal application
17 notes, those are things that only MDE can see in the
18 ordinary course of business, right?

19 A. That is correct.

20 Q. They're for you and your colleagues to use to look at
21 and decide how can this program be properly administered?

22 A. That is correct.

23 Q. And then like we talked about, MDE, if it doesn't
24 approve -- if it doesn't thumbs down the claim, the money
25 goes out, right?

1 A. That is correct.

2 Q. Okay. So for most of the pandemic, the -- for most of
3 the pandemic as the Child Nutrition Programs were being
4 administered by MDE in there, MDE didn't see the back-up
5 documents that had to be kept for these three years, right?

6 A. We saw some of them after we asked for the documentation
7 after the stop pay. We did have some.

8 Q. So did MDE see all the documents that were submitted
9 through CLiCS that related to Empire?

10 A. I do not know that for sure.

11 Q. Do you know whether you personally saw all those
12 documents?

13 A. I know I've seen many of the documents. I don't
14 remember all of what was provided. I do remember seeing
15 some of Empire, but I don't know if I saw all of Empire.

16 Q. And you wouldn't have seen the documents that the
17 sponsor Partners in Nutrition had that weren't submitted
18 through CLiCS, right?

19 A. That is correct, I would not see that.

20 Q. And when you, you know, down the road made the -- went
21 to the FBI and told them your concerns, right?

22 A. Mm-hmm.

23 Q. Did you show them --

24 THE COURT: Is that a yes?

25 THE WITNESS: Oh, I'm sorry. Yes.

1 BY MR. IAN BIRRELL:

2 Q. Did you show them the documents that you had relating to
3 Empire?

4 A. I believe so.

5 Q. You showed them -- you don't remember not showing them
6 anything, right?

7 A. I -- correct. I provided the meal documents that were
8 provided to me by Feeding Our Future and Partners in
9 Nutrition.

10 Q. And that kind of brings us into the context of these
11 questions that you had, right?

12 So what you said basically yesterday was you had
13 these -- you saw that there were new entities, that there
14 were more sites and that there were more meals and the
15 numbers kept going up, right?

16 A. That is -- I would agree with that.

17 Q. And you said you had some questions about that, fair?

18 A. Correct.

19 Q. And you didn't have visibility to the underlying
20 details, right?

21 A. That is correct.

22 Q. And first you tried to see the documents that would help
23 you assess the legitimacy of these numbers, right?

24 A. That is correct.

25 Q. And tried to see -- you tried that first at the time

1 they were coming in, right, during the summer of 2021?

2 A. During the spring of 2021, yes.

3 Q. Spring 2021. About what month did that start?

4 A. April 2021, I believe, is when that started.

5 Q. And essentially as you tried to look into this, you were
6 told by executive level management that you were not allowed
7 to conduct a more extensive -- the extensive review that you
8 wanted to, right?

9 A. I wouldn't say that I was told I was not allowed to.
10 The understanding was that we did not have investigative
11 authority at that time.

12 Q. So you didn't have investigative authority, so you
13 weren't allowed to reach out to Mr. Farah or anyone at
14 Empire regarding these claims, fair?

15 A. I would agree that that was not part of the normal
16 operation of our authority under these regulations.

17 Q. Is that something you would have liked to do?

18 A. I don't remember if that was where we wanted to go with
19 that.

20 Q. Were you allowed to visit the sites, observe them and
21 see if food was being distributed?

22 A. Normally we would be able to do that. There was, as we
23 talked yesterday, a very nasty lawsuit, and so we were
24 mindful of that.

25 Q. What does "we were mindful of that" mean?

1 A. We were mindful that we were being brought into court
2 often, and so we had to be very careful that we followed the
3 normal course of our authority within the regulations to
4 work with the sponsor first.

5 Q. So regardless of whether it was permitted or not, MDE
6 wasn't -- or you weren't going to visit these locations and
7 observe and monitor if food was being given out?

8 A. We did not conduct monitoring visits on the sites, no.

9 Q. And except as we talked about in the context of this
10 lawsuit, you weren't allowed to request paperwork that we
11 talked about?

12 A. We -- yes, we could only request the paperwork through
13 the normal program review.

14 Q. And that was because someone was worried about how it
15 might look in court?

16 A. I don't agree with that.

17 Q. Well, maybe I'm misunderstanding what you were just
18 saying about the concerns relating to the lawsuit then.
19 Could you tell me a little bit more about that?

20 A. Sure. So in using the example of the stop pay where we
21 felt that we had that ability, and then we were faced with a
22 temporary restraining order and were told by the judge that
23 we did not have that authority and had to follow the normal
24 course of action in the administrative review under the
25 program.

1 Q. So basically your perspective is you tried to get the
2 answers to these questions that seemed reasonable, right?

3 A. That is right.

4 Q. MDE got sued, and you and your team were accused of
5 essentially being racists that didn't know the rules; is
6 that --

7 A. I think that's a --

8 Q. -- fair?

9 A. I think that's a fair representation of what we were
10 accused of.

11 Q. And you believed you did not act in any racially
12 motivated way, right?

13 A. That is correct.

14 Q. And you believed you did know the rules, right?

15 A. That is correct.

16 Q. And you were very surprised when the order came down
17 that -- to pay these claims and not conduct any sort of
18 investigation; is that fair?

19 A. To pay the claims, yes.

20 Q. And -- okay. So to drill down a little bit.

21 MR. IAN BIRRELL: If you could, Kaitlyn, show
22 Government C-18, page 7, which should also be in evidence,
23 and zoom in on the Vendor Contact section at the bottom.

24 BY MR. IAN BIRRELL:

25 Q. So MDE had Mr. Farah's phone number, but didn't call him

1 to talk about these questions, right?

2 A. Not to my knowledge.

3 Q. There are actually two phone numbers. Neither one was
4 called?

5 A. Not to my knowledge.

6 Q. And there's an email address. No one at MDE, to your
7 knowledge, sent him an email saying here are our questions,
8 what's going on?

9 A. Not to my knowledge.

10 Q. And do you know whether anyone at MDE went to 232
11 Marschall Road?

12 A. I do not know that.

13 Q. Okay. Thank you.

14 And it's fair to say that for months while these
15 questions were percolating MDE continued to approve and pay
16 the claims that Empire was submitting? Well, scratch that.

17 MDE continued to approve and pay the claims that
18 the sponsor was submitting related to Empire's vending,
19 fair?

20 A. For those sites that Empire was vending for, I would
21 agree.

22 Q. And payments are only approved if program rules are
23 being complied with, right?

24 A. Yes.

25 Q. So the only message that you know that Mr. Farah and

1 Empire were receiving in, say, July 2021, was the payments
2 were being approved, right?

3 A. I don't know what message they were receiving.

4 Q. You only know that payments were being approved, right?

5 A. I know that payments were being approved, yes.

6 Q. You don't know what the sponsor told him, right?

7 A. I do not.

8 Q. And even later on when MDE was issuing these serious
9 deficiency notices, MDE didn't issue Empire a serious
10 deficiency notice, fair?

11 A. No, we did not.

12 Q. So MDE's actions were communicating that Empire was
13 compliant with the program rules; is that fair?

14 A. No, I disagree. We didn't have communication with
15 Empire, to my knowledge.

16 Q. MDE's actions were sending the message that Empire was
17 compliant with program rules at the time; is that fair?

18 A. If that's the impression they got, I'm not sure.

19 Q. Okay. And MDE was trusting the sponsors to follow the
20 process, right?

21 A. Yes.

22 Q. And I think Mr. Cotter talked about this, but just
23 briefly, MDE had the authority to, if it had a belief the
24 numbers were too high, that these claims were not
25 reimbursable, to tell the sponsor and clawback the money

1 that was distributed, right?

2 A. To tell the sponsor that they seemed unreasonable, yes.

3 And then we had -- or have the authority under the
4 regulations to take back funds.

5 Q. And MDE did not exercise that option, right?

6 A. To this date, no.

7 Q. Do you know whether there's a plan to exercise that at
8 some later date?

9 A. I don't know if there is that plan.

10 Q. And MDE had the authority to adjust numbers downward if
11 it believed that was appropriate as well, right?

12 A. In following the regulations in doing that, yes, we had
13 that ability.

14 Q. And MDE never sought to use that process as it related
15 to the sites that Empire was vending for; is that correct?

16 A. Not to my knowledge.

17 Q. And so to this day -- well, those processes could have
18 helped address some of the questions you had regarding these
19 numbers, right?

20 A. In part. And we did do a downward adjustment on some
21 sites. I don't remember which ones.

22 Q. You -- sorry. You don't remember if they were Empire's?

23 A. I do not.

24 Q. Okay. Or someone else's sites, just for the record?

25 A. All I know is that they were under Feeding Our Future

1 and Partners in Nutrition.

2 Q. Okay. And to this day you haven't gotten the
3 information you were seeking in the summer of 2021, in the
4 spring of 2021, to help you address whether these claims
5 were legitimate, right?

6 A. We got some of the documentation; and even with the
7 documentation, our concerns remained.

8 Q. So you still have these -- had these questions after you
9 saw the documentation?

10 A. That is correct.

11 Q. Okay.

12 MR. IAN BIRRELL: May I just have a moment, Your
13 Honor?

14 THE COURT: You may.

15 BY MR. IAN BIRRELL:

16 Q. Ms. Honer, do you consider yourself a whistleblower?

17 A. I do not.

18 MR. IAN BIRRELL: Thank you, Your Honor. I have
19 nothing further.

20 THE COURT: Mr. Carlson.

21 CROSS-EXAMINATION

22 BY MR. CARLSON:

23 Q. Good morning, Ms. Honer.

24 A. Good morning.

25 Q. My name is Clayton Carlson. I represent Said Farah.

1 First I just want to follow up quickly on
2 something that you discussed with Mr. Cotter a bit earlier
3 about the reimbursement process.

4 A. Sure.

5 Q. You told Mr. Cotter that when sponsors submit meal
6 counts to MDE, the sponsors are reimbursed on a per meal
7 basis; is that right?

8 A. In these two particular programs, yes.

9 Q. And when it comes to vendors, though, they're paid based
10 upon whatever is in their contract with the sponsors; is
11 that right?

12 A. That is my understanding, yes.

13 Q. And then anyone down the chain from the vendor, like the
14 stores they buy their food from, they're paid by the vendor
15 based on whatever agreement they have, right?

16 A. That is correct.

17 Q. And MDE doesn't regulate or control those agreements; is
18 that right?

19 A. Not to my knowledge.

20 Q. And you talked a bit yesterday afternoon with Mr. Goetz
21 about desk audits. Do you remember that?

22 A. Briefly, yes.

23 Q. And I think you testified that during COVID, MDE elected
24 into waivers of the in-person site monitoring requirements
25 for nutrition sites; is that right?

1 A. I would agree with that.

2 Q. And with those waivers, you still had the ability to do
3 things called desk audits of sites, right?

4 A. That is correct.

5 Q. And I think you testified that included you requesting
6 documentation from a sponsor or a site and then reviewing
7 that paper documentation; is that right?

8 A. That is correct.

9 Q. And you also discussed that MDE had the ability and the
10 power to require any site or sponsor to provide that
11 documentation that you would need to conduct that audit,
12 right?

13 A. That is correct.

14 Q. I think you said that was in your contracts, right, or
15 your program agreements?

16 A. The program agreement.

17 Q. And in terms of the types of documents you'd be looking
18 at in a desk audit, it would essentially be the records the
19 site or sponsor has that are relevant to that audit, right?

20 A. That is correct.

21 Q. And that would be things like financial statements,
22 receipts, invoices, records, maybe check receipts, those
23 kinds of things, right?

24 A. It could be, yes.

25 Q. And presumably that might even include things like

1 handwritten notes they had kept or something, right?

2 A. It could.

3 Q. It would just depend on what you were looking for maybe,
4 specifically?

5 A. On the type of review, yes.

6 Q. And MDE did have the right to look at all of those
7 things under their contracts, right?

8 A. I feel so, yes.

9 Q. And I know you testified that you personally didn't do
10 any desk audits and you don't know whether anyone else did
11 during that time period; is that right?

12 A. I -- I would agree that I did not conduct a desk audit.
13 I would say that I do know our division did conduct desk
14 audits. I don't know which sponsors received one.

15 Q. So you don't know if there were any desk audits of
16 Partners in Nutrition or Feeding Our Future sites?

17 A. Not of their sites.

18 Q. Do you know whether there were any of the sponsors
19 themselves?

20 A. I do not believe so.

21 Q. And I think you testified that you reported your
22 concerns to the FBI in about April of 2021, shortly after
23 the situation with the TRO, right?

24 A. I believe it was around that time, yes.

25 Q. Did the FBI ever ask you to use you're audit rights to

1 get documents from any site or sponsor?

2 A. No, they did not.

3 Q. In looking at that April of 2021 timeline, after you
4 reported your concerns to the FBI, MDE started working with
5 the FBI to investigate your concerns; is that right?

6 A. We responded to their questions.

7 Q. So you were providing information to the FBI at that
8 point, right?

9 A. After, yes.

10 Q. And you knew they were investigating the information you
11 were providing, right?

12 A. I wouldn't agree with that. I think -- we didn't know
13 what was going on.

14 Q. But you knew they were asking you questions about the
15 information you had provided to them, right?

16 A. I would agree with that.

17 Q. And you just talked about this with Mr. Birrell. In
18 April -- after April 2021, there's still a time period where
19 you continued to pay reimbursement claims to sponsors; is
20 that right?

21 A. That is correct.

22 Q. And I think when you talked yesterday with Mr. Goetz,
23 you said that stop pay was only in effect for about six days
24 in late April; is that right?

25 A. For some sites it was six days. I believe it was -- it

1 was less than two weeks, I believe, in total.

2 Q. And the claims MDE continued to reimburse and pay, those
3 were -- some of those were claims you had concerns about; is
4 that right?

5 A. I would agree with that.

6 Q. And you had, I'm sure, reported some of those sponsors
7 and sites to the FBI to investigate at that point, right?

8 A. I don't remember if I provided specific sites at that
9 time.

10 Q. You provided documents to the FBI; is that right?

11 A. I would agree with that.

12 Q. And did some of those documents maybe relate to specific
13 sites?

14 A. Most likely.

15 Q. And did they also relate to specific sponsors?

16 A. Yes.

17 Q. And when MDE finally stopped payments to these -- you
18 know, Feeding Our Future, PIN sites, that was after the
19 search warrants were executed; is that right?

20 A. There's two separate stop payments, and actually I think
21 this corrects my answer from before a bit.

22 The first stop payment was March 31st, and then we
23 restarted payments at the end of April. So that was
24 actually about a month, not less than two weeks.

25 And then the second stop payment that was

1 initiated was after the search warrants and accompanying
2 affidavits were public.

3 Q. And so that was in January of 2022; is that right?

4 A. Correct. I believe the stop payment in January of 2022
5 went into effect January 21st of 2022.

6 Q. So that's about eight or nine months after you first
7 started providing information to the FBI; is that fair?

8 A. I think that's fair.

9 Q. And so during that eight or nine-month period
10 after reading the search -- I assume you've read the search
11 warrant affidavits, right?

12 A. I have. I don't remember exactly what they say.

13 Q. After reading those, was it your understanding the FBI
14 had in fact been investigating the things that you were
15 providing information to them about?

16 A. In part. There was also a lot of pieces I had no idea
17 about.

18 Q. So during that eight or nine-month period after you had
19 reported to the FBI, MDE was still making payments to sites
20 and sponsors that you had expressed concerns about; is that
21 fair?

22 A. I think that's fair.

23 Q. So next I want to talk -- change gears, talk to you
24 briefly about a company called Bushra Wholesalers LLC. And
25 I guess before I do that, have you ever heard of Bushra

1 Wholesalers?

2 A. Yes, but not much.

3 Q. And when would you say you first heard of them?

4 A. I don't recall.

5 Q. Would it have been some time after the search warrants
6 were issued?

7 A. It could have been.

8 Q. So, to your knowledge, Bushra Wholesalers LLC, they're
9 not a sponsor, are they?

10 A. Not to my knowledge, no.

11 Q. And, to your knowledge, they didn't operate any sites,
12 did they?

13 A. Not to my knowledge.

14 Q. And you don't have any knowledge about any contracts
15 signed by Bushra Wholesalers that were submitted in CLiCS,
16 for instance, do you?

17 A. I don't believe so.

18 Q. And, to your knowledge, MDE didn't have any kind of file
19 on Bushra Wholesalers LLC; is that right?

20 A. Not to my knowledge.

21 Q. I assume that means you also -- you never would have had
22 any communications with Bushra Wholesalers; is that right?

23 A. Again, not to my knowledge.

24 Q. And is the same true for Said Farah, its owner?

25 A. Not to my knowledge.

1 Q. And, to your knowledge, Bushra Wholesalers didn't
2 actually have any kind of contact directly with MDE; is that
3 fair?

4 A. Not to my knowledge.

5 Q. You don't have any reason to believe Bushra Wholesalers
6 ever reported any meal counts to MDE, do you?

7 A. I do not.

8 Q. You don't have any reason to believe Said Farah ever
9 signed any meal counts that were reported to MDE, do you?

10 A. I do not.

11 Q. You certainly never visited any warehouse owned or
12 operated by Bushra Wholesalers; is that right?

13 A. Not to my knowledge.

14 Q. So you talked a little bit about, on direct examination,
15 about the benefits of congregate feeding when it happened
16 before COVID; is that right?

17 A. Yes.

18 Q. And you said that one of the benefits of congregate
19 feeding is that you could see with your own eyes that meals
20 were being serving to children; is that fair?

21 A. That is one of them.

22 Q. And so if you're not there, you can't see whether meals
23 are being served to children; is that accurate?

24 A. I would -- I would agree.

25 Q. And, you know, that means you also wouldn't be able to

1 tell if meals weren't being served; is that fair?

2 A. If I was not present, I would agree.

3 Q. And you don't have any personal knowledge whether any
4 meals were or weren't being served at any given site; is
5 that fair?

6 A. I would agree.

7 MR. CARLSON: Thank you. I have no further
8 questions.

9 THE COURT: Mr. Sapone.

10 MR. SAPONE: Yes. Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. SAPONE:

13 Q. Good morning, ma'am.

14 A. Good morning.

15 Q. How are you today?

16 A. I am good.

17 Q. That's good. I represent Abdimajid Nur. Do you know
18 him?

19 A. I do not.

20 Q. You recall testifying, don't you, today and yesterday,
21 about two federal food programs. Yes?

22 A. Yes, I do.

23 Q. And is one the CACFP?

24 A. Yes, it is.

25 Q. I usually get that wrong. What does it stand for?

1 A. It stands for the Child and Adult Care Food Program.

2 Q. Thank you. And then the SFSP. Yes?

3 A. Yes.

4 Q. Standing for?

5 A. That stands for the Summer Food Service Program.

6 Q. Now, is it fair to say that according to you under those
7 programs money was reimbursed for more meals than were
8 actually served?

9 A. Can you repeat the question?

10 Q. Sure. Is it your claim that money was reimbursed under
11 the programs for more meals than were actually served?

12 A. I don't know if it was my claim. It's my concern.

13 Q. I want to focus today more often than not on a ten-month
14 time period, and that would be from April of 2021 to January
15 of 2022. Okay?

16 A. Okay.

17 Q. Given your position at MDE and the research you said you
18 did when you became concerned about certain claims --

19 A. Mm-hmm.

20 Q. -- did you come to learn that Abdi Nur's work with
21 delivering meals was limited to that ten-month period?

22 A. I don't know if I came to know that.

23 Q. All right. I have to back up and spend just a little
24 time on the pandemic. Okay?

25 A. Okay.

1 Q. It started in March of 2020?

2 A. Yes, it does.

3 Q. Life was chaotic?

4 A. Yes, it was.

5 Q. That was true at home and at work?

6 A. I would say more at work.

7 Q. And things at work certainly changed for most people.

8 Yes?

9 A. I would agree with that.

10 Q. Our interactions changed?

11 A. I would agree with that.

12 Q. Especially if we didn't live with people.

13 A. I would agree with that.

14 Q. For a long stretch, is it fair to say, we avoided each
15 other like the plague?

16 A. I don't know if I would agree with that entirely.

17 Q. Grandchildren weren't even visiting grandparents if they
18 didn't live together for the most part, do you recall?

19 A. I think there were some families that operated like
20 that.

21 Q. And we heard about social distancing for the first time
22 in our lives certainly, right?

23 A. I would agree with that.

24 Q. Lots of folks in Minneapolis and the surrounding areas
25 lost their jobs?

1 A. I would agree with that.

2 Q. Businesses were shutting down?

3 A. I would agree with that.

4 Q. Now, thankfully you didn't lose your job, right?

5 A. I did not.

6 Q. And you were not food insecure, right?

7 A. I was not.

8 Q. But many people in and around Minneapolis were food
9 insecure. Yes?

10 A. I believe that.

11 Q. That included people who had children, right?

12 A. I agree with that.

13 Q. And folks in and around the Minneapolis area were
14 included in that bunch of insecure people relative to food,
15 right?

16 A. I would agree with that.

17 Q. Some people had the luxury of escaping crowded inner
18 cities such as Minneapolis. Yes?

19 A. I would agree with that.

20 Q. But a lot of people did not have that luxury, right?

21 A. I would also agree with that.

22 Q. I think you and I share something in common. Neither
23 one of us are from Minnesota. Did I get that right?

24 A. I can agree with that then, yes.

25 Q. All right. You can tell by my accent. Yes?

1 A. Yeah. Sure.

2 Q. I can tell by yours too. No offense.

3 A. All is good.

4 Q. But you've been living here for awhile, right?

5 A. Since 2017.

6 Q. And you're familiar with Minneapolis for the most part
7 and some of the surrounding areas?

8 A. I would agree with that.

9 Q. And that's also because of your position at MDE, right?

10 A. I would also agree with that.

11 Q. You've had that position for how long now?

12 A. My current position I've been in for less than a year,
13 but I have been with MDE since 2019.

14 Q. Okay. So what month in 2019 were you hired?

15 A. In May of 2019.

16 Q. So you were working at MDE for less than a year when the
17 pandemic hit?

18 A. That is correct.

19 Q. Were you also -- did you ever work in a restaurant in
20 this area?

21 A. Yes, I have.

22 Q. When did you get hired and where was that?

23 A. I've worked at two. I worked at a movie theater bar in
24 Wayzata, and that was in 2017. And then I -- and I still
25 pick up shifts there from time to time. I work at a bar and

1 restaurant in Anoka, Minnesota, and I was hired in 2018.

2 Q. Okay. And where is that located?

3 A. In Anoka. It's the northwest suburbs.

4 Q. Okay. Are you familiar with Shakopee?

5 A. To a degree, yes.

6 Q. And, of course, Minneapolis?

7 A. Yes.

8 Q. Now, inviting your attention to that time period,

9 April 2021 to January of 2022.

10 A. Okay.

11 Q. Did you know that Shakopee was a community where lots of
12 residents were of East African descent?

13 A. Not specifically.

14 Q. Some?

15 A. Yes.

16 Q. Including Somalia?

17 A. I would agree.

18 Q. And a good number of those residents were what we call
19 working class people, right?

20 A. I can agree with that. I don't have the data for that
21 yes or no.

22 Q. And some of those folks lost their jobs, too, during the
23 pandemic, right?

24 A. I could agree with that.

25 Q. Largely a family-oriented community. Yes?

1 A. I don't know that, but I would assume.

2 Q. And blessed with large families including children?

3 A. I don't know that specifically.

4 Q. Okay. You testified regarding a number of waivers
5 relative to the two food programs. Yes?

6 A. Yes, I have.

7 Q. And can we agree that the number is 113 waivers?

8 A. Well, it was 113 at the time I apparently wrote that
9 report.

10 Q. One of them relaxed the requirement that kids had to eat
11 at certain sites where food was being handed out. Yes?

12 A. Yes, the noncongregate waiver.

13 Q. And parents or guardians were permitted to, as we say,
14 grab and go. Yes?

15 A. They were permitted to do that.

16 Q. That helped folks maintain social distancing. Yes?

17 A. That was the intent of the waiver.

18 Q. And the intent was also to promote health and safety.
19 Yes?

20 A. I would agree with that.

21 Q. Again, April 2021 to January of 2022, did you know as an
22 MDE employee that parents went to sites and sought food and
23 were protected by federal laws prohibiting discrimination?

24 A. Yes.

25 Q. And that would be discrimination based on the color of a

1 person's skin, right?

2 A. One of the reasons, yes.

3 Q. Another is national origin. Yes?

4 A. That is another one.

5 Q. And another is ethnicity. Yes?

6 A. That is correct.

7 Q. Do you recall testifying yesterday about the Samaha
8 Islamic Center?

9 A. To a point, yes.

10 Q. And that was in which town or which area?

11 A. That was in --

12 Q. Shakopee?

13 A. If you say that, yes, that sounds correct. I was going
14 to say there was a lot of addresses.

15 Q. As an MDE employee, do you know that if let's say a
16 Somali mother who lived in Shakopee and went to that center,
17 the Samaha, to pick up food, folks handing out food at that
18 site could not discriminate against her?

19 A. I would agree with that.

20 Q. Nor should they.

21 A. I would absolutely agree with that.

22 Q. And so if that woman came and said I have six children,
23 could she take six bags of food and go?

24 A. That could essentially happen.

25 Q. And they wouldn't cross-examine her, right?

1 A. Not under certain programs, no.

2 Q. And could she take more than one meal per child?

3 A. Well, the meals would have been bundled together, if
4 that was the case, and that would be then the only way.

5 Q. And how many days of meals could she take for one child?

6 A. Well, it was dependent on the site and, again, of food
7 safety. I don't remember if the USDA had a specific maximum
8 number of days.

9 Q. Could she take meals for seven days?

10 A. I believe seven was allowable.

11 Q. And so if she had six children or said she had six
12 children, she could walk away with 42 meals?

13 A. She could walk away with six bundles of 7-day meal
14 packs.

15 Q. And six times seven being 42?

16 A. Correct.

17 Q. They didn't have to ask her for ID?

18 A. No.

19 Q. They would ask the names of the children?

20 A. For certain programs they should have asked the names of
21 the children.

22 Q. No ID for the children?

23 A. No ID for the children.

24 Q. The children didn't have to be with her?

25 A. No, they did not.

1 Q. Because not only is discrimination a terrible thing, but
2 being accused of it is horrible too. Yes?

3 A. Yes.

4 Q. And especially if it's not true, right?

5 A. I would agree.

6 Q. A person can be fired from their job?

7 A. I would assume that there would be more to it than just
8 an accusation, but possibly.

9 Q. It could lead to that, right?

10 A. I would agree with that.

11 Q. And reputations could be destroyed. Yes?

12 A. Possibly.

13 Q. Now, I'm sorry to go back into this, but I just have to
14 touch upon some of the questions about the unfortunate
15 situation involving you and the accusation of racism. Okay?

16 A. Sure.

17 Q. It was certainly not a flattering accusation, right?

18 A. I agree with that.

19 Q. And was that in connection with the civil lawsuit?

20 A. The accusations made?

21 Q. Yes.

22 A. Yes, I believe so.

23 Q. That was a public lawsuit?

24 A. Yes, it was.

25 Q. So those accusations were public in that sense. Yes?

1 A. Yes, they were.

2 Q. Were they written?

3 A. Yes, they were.

4 Q. What did you learn about those accusations against you?

5 A. Well, at the time I read the complaint, so that's how I
6 learned.

7 Q. And what did they say about that?

8 A. The complaint accused MDE as a whole, and then the
9 process for the applications was in which the target of the
10 complaint was.

11 Q. And what was the accusation that you remember?

12 A. The accusation that I remember is that MDE was
13 inappropriately discriminating against the Feeding Our
14 Future sponsor and sites who served minority children.

15 Q. That accusation included you, right?

16 A. It included my team, yes.

17 Q. And you?

18 A. Again, I was not personally sued in that.

19 Q. Did you feel that you were part of the accusation?

20 A. Well, I acknowledged that my team was at the target of
21 that.

22 Q. Okay. Now, did you say it didn't upset you?

23 A. I said I didn't recall being upset about it. I recalled
24 being frustrated I believe is what I said.

25 Q. Can we agree that you were somewhat angered by it?

1 A. Sure.

2 Q. A little hurt?

3 A. Sure.

4 Q. And certainly disappointed?

5 A. I was -- I was disappointed that we could not work
6 together with Feeding Our Future.

7 Q. And disappointed that the accusation happened at all,
8 right?

9 A. Sure.

10 Q. And the lawsuit itself was very nasty, right?

11 A. I would agree with that.

12 Q. Can we agree that a person in a position dealing with
13 the public would want to avoid such accusations?

14 A. I would agree with that.

15 Q. Truth be told, you don't know how many meals were
16 provided by Empire at each of the sites, right?

17 A. That is correct.

18 Q. Because in fairness to you, you weren't there when they
19 were handing the meals out. Yes?

20 A. That is correct.

21 Q. You don't know how many people, parents, guardians,
22 single mothers, et cetera, came to each of those sites and
23 said how many children they had and how many meals they
24 needed, right?

25 A. I do not.

1 Q. It's unfortunate, but there was nothing stopping a
2 person from saying, I have six, seven kids, I need 42 or --
3 you know, meals, like that, right?

4 A. Well, I would say that the child care component that is
5 required should have stopped that.

6 Q. Right. But if you're someone at the site handing the
7 food out and the person comes and makes that claim
8 concerning the children and the food that was needed, they
9 could lie. Yes?

10 A. If the site had proper controls in place, that would not
11 happen.

12 Q. So if I'm a person at the site right now and a woman
13 comes up to me and says, I have five kids, I need five
14 meals, am I not to hand her the meals?

15 A. Depending on the program, you would ask for what program
16 that woman is picking up for, who her children were or are,
17 and then there would be or should be some sort of
18 documentation to ensure that is in place.

19 Q. Right. But no ID, right?

20 A. No ID.

21 Q. No children with me, right?

22 A. Correct.

23 Q. And so she's saying these things, right?

24 A. Correct.

25 Q. And I'm going to give her the meals. Yes?

1 A. If the children's names that she provides matches on a
2 list, yes.

3 Q. And there was no way, because there was no ID, to
4 determine whether or not the kid actually existed. It's
5 just a name on a list, right?

6 A. Well, children don't generally have identification.

7 Q. Well, whatever it was. But so that's true, right?

8 A. A child, though, would be signed up for a childcare
9 program. Whoever is operating that childcare program should
10 know who that child is.

11 Q. Right. And there's a name, right?

12 A. Name, being physically present in some sort of childcare
13 setting.

14 Q. But the day the food is picked up, there is no physical
15 presence relative to the child.

16 A. For the meal program, no. But, again, for the childcare
17 program.

18 Q. Right. But I'm talking about the meal program and
19 people going to the sites to take food away.

20 A. Which, again, it supplements the childcare program.

21 Q. But on that day when they come to take the food, there's
22 no kid there.

23 A. There would not be.

24 Q. It's fair to say that not only do you not know how many
25 meals were handed out by Empire at the various sites, but

1 you don't know how much food was bought by Empire, right?

2 A. I do not personally know that.

3 Q. You don't know how much money was spent on food, right?

4 A. I do not personally know that.

5 Q. At no time during the ten-month period that I mentioned
6 or any time did you ever visit even one site, true?

7 A. Not true.

8 Q. You went to visit sites to make sure that food was being
9 handed out?

10 A. I was at a site other than for a visit.

11 Q. Right. But did you ever go to make sure food was handed
12 out?

13 A. No, I did not.

14 Q. Could you have caused anyone to go to any of these sites
15 to make sure of that?

16 A. I suppose as a supervisor I could have done that.

17 Q. Did you cause anyone else to ever go to any of these
18 sites to make sure food was being handed out?

19 A. Not to my knowledge.

20 Q. Could you have caused an audit?

21 A. I believe I had that authority.

22 Q. Did you do it?

23 A. I did not.

24 Q. There came a point I think you said yesterday when,
25 excuse my phrase, but the smoke cleared of the pandemic,

1 right? Things were not as bad as they were initially?

2 A. Sure. I don't think I phrased it like that, but sure.

3 Q. It's my phrase.

4 A. Sure.

5 Q. And there came a point where things were not as chaotic
6 as they had been.

7 A. I would agree with that.

8 Q. March of 2021 was less chaotic than March of 2020, true?

9 A. I can agree with that. I don't remember specifically.

10 Q. And you testified yesterday that it was -- it wasn't
11 until March of 2021 that you did anything regarding the
12 concerns you testified about, right?

13 MR. THOMPSON: Objection. That misstates the
14 testimony.

15 MR. SAPONE: Sure.

16 BY MR. SAPONE:

17 Q. Did anything happen -- withdrawn -- -- in March of 2021
18 relative to you doing anything?

19 A. Yes. It was not the first action, but I did take action
20 in March of 2021.

21 Q. Okay. And there came a point where you actually went to
22 the FBI, right?

23 A. Yes.

24 Q. That also was in 2021, right?

25 A. That is correct.

1 Q. Was that in April of '21?

2 A. I believe it was around that time frame.

3 Q. The nasty lawsuit that we just talked about, was that
4 before or after the two actions you just testified to, that
5 is, the March 2021 action and the going to the FBI action?

6 A. The lawsuit was before that.

7 Q. And so you did those two things after the lawsuit,
8 right?

9 A. That is correct.

10 Q. For many months after you say that you developed
11 suspicions, suspicions concerning the claims, as to the
12 sites that Empire was vending for, the claims continued to
13 be approved, right?

14 A. That is correct.

15 Q. And as to the sites that Empire was vending for, the MDE
16 continued to pay them, right?

17 A. That is correct.

18 Q. At no time in the ten-month period, April 2021 to
19 January of 2022, did you ever inform, either orally or in
20 writing, Abdi Nur that you had any concerns about claims,
21 right?

22 A. Not to my knowledge.

23 Q. And, to your knowledge, neither did the MDE?

24 A. Not to my knowledge.

25 Q. Do you recall testifying yesterday about Government

1 Exhibit C-20 that was put into evidence?

2 A. Not specifically, but if you showed me it.

3 Q. Okay. Could we do that?

4 Just for the record, C-20 is on the screen. Yes?

5 A. Yes, it is. Thank you.

6 Q. You're welcome.

7 Can we go to the signatory page, please? I think
8 there might be a page where someone signed. No? Okay.

9 Do you remember Abdi Nur signing?

10 A. Not specifically.

11 Q. But you remember seeing that exhibit, right?

12 A. This exhibit appears to be what I saw yesterday, but I
13 don't remember specifically the signature.

14 Q. And do you recall any contract where Abdi Nur, other
15 than the one yesterday, where he signed it?

16 A. Not specifically.

17 Q. Do you remember talking about the stop pay function in
18 CLiCS?

19 A. Yes, I do.

20 Q. What is that?

21 A. So the stop pay function in CLiCS is a check box. And
22 what it does is it allows the sponsor to continue to submit
23 claims, but those claims are not then sent forward to the
24 payment file until that check box is unchecked.

25 Q. Did you ever stop pay relative to Feeding Our Future?

1 A. Yes.

2 Q. And that was until they provided certain documentation,
3 right?

4 A. We -- me and my staff implemented a stop pay on Feeding
5 Our Future two times to my knowledge. One of those was in
6 response to wanting documentation.

7 Q. When were the two times, if you recall?

8 A. So March 31st of 2021, I believe, was the first time to
9 my knowledge for Feeding Our Future. And that was where we
10 then requested documentation.

11 The second stop pay was issued after the
12 January 20th, 2022, search warrants went public.

13 Q. And so you were looking for documentation, right?

14 A. In April of 2021, yes.

15 Q. They started to give you documentation. Yes?

16 A. Feeding Our Future did start to give us some
17 documentation.

18 Q. There was a folder where that documentation was placed
19 in, right?

20 A. Yes, it was a SharePoint folder.

21 Q. They objected to the stop pay. Yes?

22 A. In general terms, yes.

23 Q. And that's when they took a legal route?

24 A. That is correct.

25 THE COURT: Mr. Sapone, I'll ask you to come to a

1 stopping point.

2 MR. SAPONE: Sure. Why don't we do that now.

3 I appreciate you. No more questions.

4 THE COURT: So did you just say "no more
5 questions"?

6 MR. SAPONE: No further questions.

7 THE COURT: All right. Fair enough. Thank you.
8 We'll come back at 11:00. Thank you.

9 **IN OPEN COURT**

10 **(JURY NOT PRESENT)**

11 THE COURT: Thanks, everyone. 11:00. We're in
12 recess.

13 (Recess taken at 10:41 a.m. till 11 a.m.)

14

15 **IN OPEN COURT**

16 **(JURY PRESENT)**

17 THE COURT: You may all be seated.

18 Mr. Garvis.

19 CROSS-EXAMINATION

20 BY MR. GARVIS:

21 Q. Good morning.

22 A. Good morning.

23 Q. My name is Andrew Garvis, and I represent Abdiwahab
24 Maalim Aftin.

25 And I just -- I'm not going to go over all the

1 things that all these other lawyers have gone over. We've
2 talked about the program; we've talked about the CLiCS;
3 we've talked about the waivers. Okay?

4 A. Yes.

5 Q. I'm just going to sort of narrow in. First off, do you
6 know Mr. Aftin?

7 A. Not specifically, no.

8 Q. Okay. And so, I mean, you know, he was a part owner of
9 Bushra, and I think you talked to Mr. Carlson about having a
10 general understanding of Bushra, correct?

11 A. Correct.

12 Q. Right. But, you know, you weren't aware of, you know,
13 the fact that -- you were aware they weren't a sponsor to a
14 site?

15 A. That is correct.

16 Q. Right? They weren't even operating a site, correct?

17 A. Not to my knowledge.

18 Q. And you weren't aware of any contracts in the CLiCS?

19 A. Not to my knowledge.

20 Q. Right. And you don't necessarily remember any emails by
21 Mr. Aftin or Mr. Said Farah?

22 A. Not to my knowledge.

23 Q. Okay. Now, I do -- I just want to make sure -- and I
24 know this has been said, but I want to apologize for this a
25 little bit. But the sponsors were responsible for what was

1 going on at the sites?

2 A. I would agree with that.

3 Q. Right. So, I mean, not only did they apply for it, and
4 then you had to approve it, right?

5 A. That is correct.

6 Q. But their job was to educate, train and monitor the
7 sites?

8 A. I would agree with that.

9 Q. Now, you talked a lot about concerns, and I'm not going
10 to go down that path. But only in the sense that I think
11 what you said is the concerns led initially as it related to
12 the restaurants that were being run as the sites?

13 A. That was one of the initial concerns. There were other
14 concerns initially as well.

15 Q. And I understand that. But eventually what it led is it
16 led for you to do an email to Feeding Our Future and to PIN,
17 I believe, where you said restaurants can no longer work at
18 the sites?

19 A. That is correct; I did send that email.

20 Q. So I'll use Mr. Thompson's term from the other day,
21 which is then they pivoted, right, Feeding Our Future and
22 PIN, and then they asked to start applying for opening other
23 places?

24 A. I could agree with that.

25 Q. Okay. And that, I think we understand, led to a lawsuit

1 by Feeding Our Future.

2 A. I would say that the lawsuit, to my understanding,
3 stemmed from MDE asking questions of the concerns.

4 Q. Well, part of it, though, was the MDE was sort of not
5 approving sites in a timely manner, that was part of it?

6 A. I would agree with that.

7 Q. And eventually what happened is the judge actually found
8 MDE in contempt for that action.

9 A. That is correct.

10 Q. Okay. And I know that Mr. Sapone talked about some of
11 the timing of this, but I think -- I want to make sure I
12 understand how this plays out.

13 So the lawsuit is filed, there's litigation. MDE
14 is represented by the Attorney General, correct?

15 A. That is correct, to my understanding.

16 Q. All right. Right. And I want to just make sure we're
17 clear on this component of it.

18 When you went to -- initially, I think, you said
19 you made the report to the Inspector of -- apologize.

20 A. Nope. We initially -- or the concern that I made
21 formally was to the Office of Inspector General for the
22 United States Department of Agriculture.

23 Q. Right. And then I think you said that you didn't get
24 any response from them.

25 A. Not to my knowledge.

1 Q. Okay. And so then what you said is you then turned this
2 over to the FBI, right?

3 A. The FBI was then another agency that I expressed
4 concerns to.

5 Q. Okay. And so -- and let me just take a step back,
6 because I want to make sure I clarify one aspect as it
7 relates to the lawsuit. There was some confusion maybe
8 about the concept of -- of the stop pay issue. Okay?

9 A. Okay.

10 Q. The court never ordered MDE to lift the stop pay.

11 A. That is correct. There was no order.

12 Q. Okay. This was, as I think Mr. Goetz pointed out
13 yesterday, a voluntary action.

14 A. Based on a statement from the Ramsey County court judge,
15 yes.

16 Q. I understand that, but it -- just making sure we
17 clarified it, because there was some confusion this morning
18 maybe with what Mr. Birrell was asking about a little bit.

19 A. Sure.

20 Q. Okay. Now, the only other question I really have is,
21 once you reported this to the FBI, did you give notice of
22 that to the sponsors?

23 A. No, I did not.

24 Q. Did you give notice of that to the vendors?

25 A. No, I did not.

1 Q. Was it put into any public notice as it relates to the
2 lawsuit, as best of your knowledge, with the Attorney
3 General?

4 A. Not to my knowledge.

5 MR. GARVIS: I have no further questions.

6 MS. KETTWICK: We do not have any questions
7 either, Your Honor.

8 THE COURT: Thank you.

9 Mr. Thompson?

10 MR. THOMPSON: Thank you, Your Honor.

11 REDIRECT EXAMINATION

12 BY MR. THOMPSON:

13 Q. Good morning, Ms. Honer.

14 A. Good morning again.

15 Q. Almost there.

16 A. Okay.

17 Q. I want to start with something that I don't think we
18 really discussed during your direct examination, which is
19 the allegations made against you and your team in the
20 lawsuit.

21 A. Yes.

22 Q. Could you remind us what those allegations were?

23 A. Yes. The allegations were that MDE was not processing
24 applications quickly enough, and we were doing that because
25 we were discriminating against the minority communities that

1 Feeding Our Future served.

2 Q. And you got questions from several attorneys both
3 yesterday and today about those allegations against you.

4 A. Yes.

5 Q. And how they made you feel.

6 A. Yes.

7 Q. How did that make you feel?

8 A. Not good.

9 Q. Could you explain that for the jury?

10 A. Yes. So I am a very proud tribal member from the Red
11 Cliff Band of Lake Superior Chippewa, and I have experienced
12 racism. I've seen it in my family. I've seen it in my
13 friends. And I know how it feels, and it does not feel
14 good.

15 Q. When you raised concerns about the integrity of the
16 Federal Child Nutrition Program during early days of COVID,
17 were you acting out of a sense of racial animus or
18 discrimination?

19 A. Absolutely not.

20 Q. What were you acting on? What caused you to raise those
21 concerns?

22 A. I was concerned because I am passionate about these
23 programs. The Child Nutrition Programs provide healthy,
24 nutritious meals to children who need them. And we know
25 that many children do not receive well-balanced meals at

1 home. This might be their only opportunity for that. And I
2 was worried for the sake of this -- of these programs in the
3 future.

4 Q. What concerns did you have about the future of these
5 programs at the time you raised those concerns?

6 A. I was worried that if these programs were being abused
7 and were not being operated appropriately, that these
8 programs would be taken away, possibly at a state level, and
9 worst-case scenario at a national level.

10 Q. You received a lot of questions about the waivers.

11 A. Yes.

12 Q. I want to ask you a couple questions about them. First
13 off, was there a waiver -- well, about that a lot of people
14 would become rich in the program?

15 A. Absolutely --

16 MR. COTTER: Objection.

17 THE COURT: Overruled. You may answer.

18 THE WITNESS: Absolutely not.

19 BY MR. THOMPSON:

20 Q. Was there any change in -- were there any waivers
21 implemented to design to increase a profit motive to
22 encourage people to dive into this program?

23 A. Absolutely not.

24 Q. Did you get wealthy during COVID?

25 A. I did not.

1 Q. Did you receive consulting payments during COVID?

2 MR. COTTER: Objection. Relevance.

3 THE COURT: Overruled. You may answer.

4 THE WITNESS: I did not.

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

6 MR. GOETZ: I have no questions, Your Honor.

7 THE COURT: Mr. Birrell?

8 MR. IAN BIRRELL: Only briefly.

9 RECROSS-EXAMINATION

10 BY MR. IAN BIRRELL:

11 Q. These allegations made in this lawsuit about the racial
12 discrimination, none of the defendants here were a part of
13 making these allegations, to your knowledge, right?

14 A. Not to my knowledge.

15 Q. None of these lawyers here were part of making these
16 allegations, to your knowledge, right?

17 A. Not to my knowledge.

18 Q. Thank you.

19 MR. IAN BIRRELL: Nothing further, Your Honor.

20 THE COURT: Mr. Thompson?

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

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

23 **(Witness steps down)**

24 THE COURT: And the government may call its next
25 witness.

1 MR. THOMPSON: Thank you, Your Honor. The
2 government calls Special Agent Jared Kary.

3 THE COURT: Agent Kary, you may come forward.

4 JARED KARY,
5 called on behalf of the government, was duly sworn, was
6 examined and testified as follows:

7 THE WITNESS: I do.

8 THE COURT: Thank you. You may have a seat.

9 And when you're settled there, I'll have you state
10 and spell both your first and last name for the record.

11 THE WITNESS: Jared Kary. J-A-R-E-D. K-A-R-Y.

12 THE COURT: Mr. Thompson, you may inquire.

13 DIRECT EXAMINATION

14 BY MR. THOMPSON:

15 Q. Good morning, Agent Kary.

16 A. Good morning.

17 Q. Where do you work, sir?

18 A. I work at the FBI.

19 Q. How long have you worked at the FBI?

20 A. For 16 years.

21 Q. Would you describe your educational background prior to
22 joining the FBI?

23 A. I have a bachelor's in business administration, as well
24 as economics, and a master's in business administration.

25 Q. You said you worked at the FBI for 16 years?

1 A. That is correct.

2 Q. What is your job title?

3 A. Special agent.

4 Q. And what do you as a special agent for the FBI?

5 A. I've been assigned to the complex financial crimes squad
6 for 16 years. I did do a year and a half stint at FBI
7 headquarters in the money laundering unit.

8 Q. What kind of cases have you investigated and do you
9 investigate at the FBI?

10 A. Being on the complex financial crimes squad, I do a
11 variety of white color crime cases, a variety being fraud
12 against the government, mass marketing cases, Ponzi schemes,
13 insider trading, embezzlements, a variety of different
14 things typically related to financials.

15 Q. Agent Kary, did you receive any training when you joined
16 the FBI in terms of investigating financial cases?

17 A. Yes. I did obtain a certified fraud examiner
18 certification, as well as a CAMS certification, which is a
19 certified anti-money laundering specialist certification.

20 Q. What's a certified fraud examiner?

21 A. It's a classification to do some exams and take some
22 tests to learn about different types of fraud, different
23 types of -- different types of schemes. Basically a
24 literature that you go through and take some exams to make
25 sure you understand the material and take tests on it. And

1 also the experience from the cases leads to that as well.

2 Q. And you said you also have some sort of certification as
3 an anti-money laundering?

4 A. Correct. Similar effect of an examination related to
5 traits that you see within money laundering and those types
6 of training and things that I've gone through during my work
7 experience and also exams in literature that you go through,
8 similar to like a college course.

9 Q. Agent Kary, have you been involved in the investigation
10 into fraud and the Federal Child Nutrition Program during
11 COVID?

12 A. Yes.

13 Q. What was your role in that investigation?

14 A. I was one of the case agents.

15 Q. And what does it mean to be a case agent?

16 A. Case agent means a variety of things, but essentially it
17 means you're responsible for the investigation. From
18 different things to issuing grand jury subpoenas, to
19 conducting search warrants, interviewing individuals, a wide
20 range of things. But I'm certainly not the only case agent
21 on this, as it was a large case, so I'm one of a few.

22 Q. Were there other agencies involved in the investigation
23 besides the FBI?

24 A. Yes.

25 Q. What agencies?

1 A. The IRS Criminal Investigation Division, as well as the
2 Postal Inspection Service.

3 Q. Agent Kary, how did this -- the FBI's investigation into
4 this fraud and the Federal Child Nutrition Program begin?

5 A. It started with a referral from the Minnesota Department
6 of Education. And then that information that came in, we
7 assessed it and agreed that there was predication to begin a
8 case, meaning that there was -- the allegations were enough
9 for us to open a full investigation to look into the matter
10 and determine if there was crimes committed.

11 Q. Approximately, when did MDE refer the case to the FBI?

12 A. It was in the spring of 2021.

13 Q. And when did FBI begin its investigation?

14 A. It was soon after the referral came.

15 Q. Okay. Can you tell us a little bit about the type of
16 investigation that you and your colleagues conducted?

17 A. Well, the type of investigation would be sort of the
18 allegations were fraud against the government, and that's a
19 government program. And the initial steps in the
20 investigation were to get material, as we do with most
21 cases, get the material from the individual party or entity
22 that is filing the complaint. So we look at that initial
23 material that we -- we usually do an interview, and then we
24 gather material from -- from that entity, and we sort
25 through it and determine what other investigative steps we

1 need to take.

2 And typically in most financial cases one of the
3 first things we start with is gathering financial records.
4 It does take some time for bank records to come in, so
5 that's sort of one of the first steps we take.

6 Q. And you said that before you actually formally open the
7 investigation, you took -- you assessed the referral that
8 you received.

9 A. Correct.

10 Q. The FBI did. How does the FBI go about assessing a
11 referral, and how did it do so in this case specifically?

12 A. Well, you look at the things that are provided and you
13 say, is -- you know, you sort of ask the question, what is
14 this and what crimes could have been committed here that
15 would be of federal nexus and that we have the authority to
16 investigate. And in this case certainly it being a federal
17 program. And then we look at the material and we say what
18 is it that we could possibly -- you know, if there's -- this
19 allegation is substantiated, what would that look like as
20 far as the charges that could be potentially filed.

21 Q. And the general nature of the allegation was?

22 A. The belief that there were meal counts and individuals
23 getting reimbursed for meals that were potentially not
24 served.

25 Q. When you and your colleagues at FBI assessed that

1 initial claim, what did they look at first to see whether or
2 not there was something that needed to be investigated?

3 A. So certainly the question was asked of, is it possible
4 to have served this many meals? What was done was sort of
5 in order from highest to lowest, the -- what are these
6 claims that are coming in? And the question was, are these
7 school districts, had they stopped and so there's a need for
8 this? And that wasn't the case, so that sort of answered
9 that question.

10 And we looked at the grand picture of it all and
11 said, these are new organizations and now all of a sudden
12 they're serving all these individual kids. Highest to
13 lowest, we said, okay, these individuals have huge claims.
14 Let's start at the top and work our way down to see who are
15 these new entities that have shown up and started to claim
16 that all these meals are being served.

17 Q. Okay. You said you looked highest to lowest. What
18 information did FBI look at initially in terms of the claims
19 in the program?

20 A. So it was the claims data that was provided from the
21 CLiCS system from MDE. They had provided some data and some
22 spreadsheets that we requested. Sort of what their concerns
23 were, they provided that. And so that was the information
24 that was sorted through.

25 Q. And you said sorted highest to lowest. That's the most

1 and fewest what?

2 A. The most as far as dollar amount that was claimed to
3 have been served.

4 Q. By site or by entity; is that right?

5 A. By site and entity. And it was really related to -- the
6 initial complaint was Feeding Our Future, the sponsor, and a
7 little bit related to PIN at the time. So the initial was
8 sort of a focus on Feeding Our Future, the sites that were
9 under Feeding Our Future, and some that were also under
10 Partners in Nutrition as well.

11 Q. And when FBI looked at all the claims that were
12 submitted to the Federal Child Nutrition Program in terms of
13 before COVID and after COVID started, what, if any, trend
14 did you see?

15 A. Saw a drastic increase. It was massive considering that
16 the public schools had also -- their numbers had increased
17 as well with the pandemic. So it really definitely
18 warranted an investigation.

19 Q. And were there -- you said that MDE referred --
20 identified two potential sponsors, Feeding Our Future and
21 Partners in Nutrition. What did FBI see, what did you see,
22 when you looked at the claims data submitted by site
23 sponsored by those two entities, Feeding Our Future and
24 Partners in Nutrition?

25 A. So in looking at the claims data and in looking at the

1 information sort of near the beginning of the case, we
2 noticed that certainly the numbers were high. And then also
3 the locations of some of these sites also were questionable
4 to say some of them were sort of on top of each other or
5 right down the street from each other. Sort of the -- as
6 you're opening the case and you're looking into it, you ask
7 the questions of how could this possibly be happening.

8 Q. Once you concluded that there was something worth
9 investigating, that there was potential fraud in the
10 program, how did you and your colleagues go about
11 identifying entities that were potentially involved in the
12 scheme?

13 A. We went about getting financial records, was one of the
14 first steps. Also looking at Secretary of State records to
15 see when these entities were created. And also developing
16 probable cause for the various locations that these
17 operations were registered to to see if we could potentially
18 do search warrants. As well as look at the documentations
19 and the email addresses that were used to submit claims and
20 determine if we can get probable cause to conduct search
21 warrants of those email accounts.

22 Q. Okay. So you mentioned grand jury subpoenas; is that
23 right?

24 A. Correct.

25 Q. Could you explain to the jury what a grand jury subpoena

1 is for those that don't know?

2 A. Grand jury subpoena is a subpoena that's issued by a
3 grand jury, secret proceeding, to compel -- typically when
4 I'm talking a financial case, compel someone to provide
5 documents to the grand jury as part of the investigation.

6 Q. And what kind of documents were subpoenaed during this
7 investigation?

8 A. We're not talking about financial records. We're
9 talking about the -- you know, you subpoena a bank and you
10 ask for all the statements from an organization and also the
11 checks and deposits. And then also credit card records,
12 you'd ask for the credit card statements.

13 Q. Okay. You mentioned that one of the steps you did after
14 you identified a site or an entity that was getting a
15 suspiciously large amount of Federal Child Nutrition Program
16 funds, was to look at Secretary of State records; is that
17 right?

18 A. Correct.

19 Q. What did you look at and why?

20 A. Well, we looked at the Secretary of State records to
21 determine who was behind the organization and when the
22 organization was started.

23 Q. What was -- what, if anything, was significant about
24 when the organization was formed or created?

25 A. When, it was sort of understanding that some of these

1 organizations were new. We had that initial information
2 from the complainant, meaning the Minnesota Department of
3 Education, saying that these organizations aren't your
4 typical Syscos or Costcos or Aramark that was familiar with
5 the requirements for the Federal Child Nutrition Program.
6 So we wanted to know who are these entities and why were
7 they -- or when were they create.

8 Q. How about the sites themselves, the entities that
9 purported to be serving meals, what, if anything, did you
10 find when you looked at the Secretary of State documents
11 related to those entities?

12 A. In general, a lot of the sites were very early on in
13 2020 or some were even created late 2020 and then even some
14 in 2021.

15 Q. And was that significant to you in your investigation?

16 A. It seemed odd, and it seemed like something that would
17 be -- you know, again, a wonder why and ask the questions
18 and figure out who the individuals were to determine more
19 information.

20 Q. The next step you mentioned, subpoenaing bank records;
21 is that right?

22 A. Correct.

23 Q. Why did you subpoena bank records of these entities?

24 A. To determine the sources and uses of the funds, meaning
25 if you're in the Federal Child Nutrition Program you would

1 expect to see a majority of the money flowing in and money
2 flowing out to be related to food expenses or approved
3 Federal Child Nutrition Program authorized expenses.

4 Q. And what did you find when you looked at those accounts
5 generally?

6 A. Certainly. I definitely looked in and reviewed these
7 accounts, but I did not do a full financial analysis of
8 them, as we had forensic accountants working on this
9 investigation that did that full analysis. But in general
10 we saw that a lot of the funds were used for things that
11 were not related to the Federal Child Nutrition Program.

12 Q. What about the money into these accounts, what
13 percentage of it -- was there anything significant about the
14 percentage of money flowing into these accounts that came
15 from the food program?

16 A. Certainly, yes. We saw -- when I talked about the two
17 sponsors, so the two sponsors being Partners in Nutrition
18 and Feeding Our Future, a majority of the funds hitting
19 these bank accounts, when you looked at it you would see
20 sometimes the first deposit would be a hundred dollars to
21 get the account open, and then virtually all of the money
22 going to these accounts would be from the Federal Child
23 Nutrition Program via the sponsors Partners in Nutrition.

24 Now, I will say that not every account was like
25 that, but a lot of them were, which led us to believe that,

1 you know, these organizations and entities were created in
2 order to get this money.

3 Q. Thank you, Agent Kary.

4 During the investigation did you look into a
5 company called Empire Cuisine & Market?

6 A. Yes.

7 Q. Why?

8 A. That was one of the entities that was a vendor and
9 receiving a lot of money from the Federal Child Nutrition
10 Program. Some of it was directly from the sponsors, others
11 routed through organizations like ThinkTechAct, Mind
12 Foundry, and ended up at Empire Cuisine & Market to the tune
13 of around approximately \$30 million.

14 Q. So Empire Cuisine & Market got approximately \$30 million
15 in Federal Child Nutrition Program funds?

16 A. Around that amount, yes.

17 Q. During what time frame?

18 A. From, I believe -- I'm not exactly sure without looking
19 at the bank records, but I believe it was mid 2020 to
20 January of 2022.

21 Q. Roughly 18 months?

22 A. Correct.

23 Q. Okay. After you identified Empire Cuisine & Market, did
24 you do some of those investigative steps that we just talked
25 about?

1 A. Yes.

2 Q. Did you, for example, look at Secretary of State records
3 related to Empire Cuisine & Market?

4 A. We did, yes.

5 Q. And I want to show you Government Exhibit A-2, which is
6 not in evidence yet.

7 And, Agent Kary, is Government Exhibit A-2 the
8 Secretary of State articles of organization for Empire
9 Cuisine & Market?

10 A. That is correct.

11 Q. And is this something that you -- or how did you obtain
12 this?

13 A. We obtained this from the Secretary of State via grand
14 jury subpoena.

15 MR. THOMPSON: Your Honor, I move to admit
16 Government Exhibit A-2.

17 MR. ANDREW BIRRELL: No objection.

18 THE COURT: A-2 is admitted and may be published.

19 MR. THOMPSON: Thank you, Your Honor.

20 BY MR. THOMPSON:

21 Q. Now, Special Agent Kary, I'm going to direct your
22 attention -- this is just a typical record from the
23 Minnesota Secretary of State; is that right?

24 A. That's correct.

25 Q. And on page 3 is the -- well, what's on page 3 here?

1 A. It shows the limited liability company name as Empire
2 Cuisine & Market LLC, and the registered office and agent of
3 13825 Edgewood Avenue South, Savage, Minnesota.

4 Q. And what kind of address is that?

5 A. It's a townhome in Savage.

6 Q. Do you know whose townhome that is?

7 A. The residence of Mr. Ismail.

8 Q. Mohamed Ismail?

9 A. Mohamed Ismail, yes.

10 Q. Is Mr. Ismail in court today?

11 A. He is.

12 Q. Can you point him out in the room here?

13 A. Yes. He's in the second row where the defendants are
14 sitting, yes.

15 Q. Sitting next to Mr. Cotter?

16 A. That is correct.

17 MR. THOMPSON: Your Honor, may the record reflect
18 that he's identified Mohamed Ismail?

19 THE COURT: The record will so reflect.

20 BY MR. THOMPSON:

21 Q. This says Articles of Organization; is that right?

22 A. That is correct.

23 Q. And what are articles of organization?

24 A. It's what's filed with the Secretary of State to
25 organize as a company.

1 Q. Okay. And when I'm looking on page 4 of Government
2 Exhibit A-2, when was this filed?

3 A. On April 1st, 2020.

4 Q. Was that significant to you?

5 A. Yes. Again, as we had previously discussed, it was
6 early in the pandemic and related to an entity that was
7 vending the amount of food. It was significant to our
8 investigation.

9 Q. That it had made \$30 million in the first 18 months of
10 its existence?

11 A. Yes.

12 MR. SCHLEICHER: Objection. Leading.

13 THE COURT: Sustained. The answer will be
14 stricken. Please rephrase.

15 BY MR. THOMPSON:

16 Q. What was significant about the amount of money?

17 A. It was significant that an organization that had opened
18 in April of 2020 was able to obtain \$30 million in revenue
19 in a short amount of time.

20 Q. You said the registered address was the home of
21 defendant Ismail. Who are the organizers listed on the
22 articles of organization?

23 A. Mr. Mohamed Ismail and Mr. Abdiaziz Farah.

24 Q. And is Mr. Farah in the courtroom here?

25 A. He is.

1 Q. And is he sitting next to Andy Birrell here?

2 A. That is correct.

3 MR. THOMPSON: Your Honor, may the record reflect
4 that the agent has -- the witness has identified defendant
5 Abdiaziz Farah?

6 THE COURT: The record will so reflect.

7 MR. THOMPSON: Thank you.

8 THE COURT: Could we go off the record for a
9 moment?

10 MR. THOMPSON: Yes, Your Honor.

11 **(Off-the-record discussion)**

12 MR. SCHLEICHER: Your Honor, may I request a brief
13 sidebar?

14 THE COURT: You may.

15 **(Sidebar discussion)**

16 THE COURT: Mr. Schleicher.

17 MR. SCHLEICHER: Thank you very much, Your Honor.
18 Your Honor, I just want to -- Steve Schleicher on behalf of
19 Said Farah.

20 I want to note for the record that if there's
21 going to be at some point during testimony of this witness
22 an in-court identification of my client, I specifically
23 object to Mr. Thompson looking over in this direction and
24 essentially leading the witness towards the defendant for
25 the purpose of that identification.

1 THE COURT: All right. Your objection is noted.
2 Thank you.

3 (In open court)

4 THE COURT: You may continue, Mr. Thompson.

5 MR. THOMPSON: Thank you, Your Honor.

6 BY MR. THOMPSON:

7 Q. All right. Agent Kary, picking up here, the registered
8 address was Mr. Ismail's house; is that correct?

9 A. Correct.

10 Q. Was that the actual location of Empire Cuisine & Market?

11 A. It is not.

12 Q. Where was Empire Cuisine & Market located?

13 A. At 232 Marschall Avenue in Savage -- I mean, sorry,
14 Shakopee.

15 Q. Okay. I would like to show you what's been marked as
16 Government Exhibit A-1. What's depicted in Government
17 Exhibit A-1?

18 A. It's a picture of Empire Cuisine & Market.

19 MR. THOMPSON: Your Honor, I'd move to admit
20 Government Exhibit A-1.

21 MR. ANDREW BIRRELL: No objection.

22 THE COURT: A-1 is admitted and may be published.

23 BY MR. THOMPSON:

24 Q. Agent Kary, could you describe what's depicted here?

25 A. This is Empire Cuisine & Market. It's located in a

1 strip mall in Shakopee, Minnesota. In that strip mall
2 there's a Goodyear tire shop to the right of this location,
3 and also the Empire Market is another door down, I believe.

4 MR. ANDREW BIRRELL: I'm sorry. I didn't hear
5 what you just said.

6 THE WITNESS: There was an Empire Market I believe
7 one door down.

8 MR. ANDREW BIRRELL: Thank you.

9 BY MR. THOMPSON:

10 Q. Okay. So what kind of building is it in?

11 A. It's a strip -- strip mall.

12 Q. Okay. Agent Kary, you mentioned that part of your
13 investigation, one of the goals is to develop probable cause
14 to execute search warrants; is that right?

15 A. Correct. For both locations and emails.

16 Q. And did you in fact obtain search warrants for any email
17 accounts?

18 A. We did.

19 Q. Specifically, did you obtain search warrants for the
20 email accounts of Abdiaziz Farah and Mohamed Ismail?

21 A. Yes, we did.

22 Q. And were those both gmail accounts?

23 A. Yes.

24 Q. I'd like to show you now Government Exhibit A-4. Do you
25 recognize Government Exhibit A-4?

1 A. I do.

2 Q. What is it? Well, generally, is this an email between
3 Abdiaziz Farah and Mohamed Ismail?

4 A. Yes.

5 Q. And where did you obtain it?

6 A. We obtained it via search -- search warrant of
7 Mr. Farah's account or Mr. Ismail's account. We did search
8 both of those accounts.

9 Q. Okay.

10 MR. THOMPSON: Your Honor, I move to admit
11 Government Exhibit A-4.

12 MR. ANDREW BIRRELL: No objection.

13 THE COURT: A-4 is admitted and may be published.

14 BY MR. THOMPSON:

15 Q. Now, Agent Kary, you said -- we noted that Abdiaziz
16 Farah and Mohamed Ismail formed Empire Cuisine & Market on
17 April 1st of 2020; is that right?

18 A. That's correct.

19 Q. Government Exhibit A-4 is an email about 12 days later
20 on April 12th, 2020; is that right?

21 A. That is correct.

22 Q. What kind of email is it?

23 A. It's an email with a subject title of Partnership
24 Agreement with an attachment that's titled Partnership
25 Agreement with the number 3.

1 Q. Directing your -- there's an attachment to this exhibit
2 or this email; is that right?

3 A. Yes.

4 Q. And that starts on page 2?

5 A. Correct.

6 Q. And it's a partnership agreement. What's the date of
7 the partnership agreement?

8 A. The 1st day of April 2020.

9 Q. And who are the partners in this?

10 A. Mr. Abdiaziz Farah and Mr. Mohamed Ismail.

11 Q. At the bottom of page 2 of Government Exhibit A-4,
12 what's the name of the partnership?

13 A. Empire Cuisine & Market LLC.

14 Q. Okay. Thank you.

15 Now, I'd like to show you another -- well, did you
16 do -- when you -- when you did review those email accounts,
17 did you find other emails related to the formation and the
18 opening of Empire Cuisine & Market?

19 A. Yes.

20 Q. What generally did you find?

21 A. We found some emails related to the construction and
22 build-out of the Empire Cuisine itself and sort of the -- I
23 think there were some blueprints attached related to getting
24 the restaurant up and going.

25 Q. And when was that? When were those emails, generally?

1 A. Generally, the spring of 2020.

2 Q. Okay. I'd like to show you what's been marked as
3 Government Exhibit G-14.

4 Is this one of those emails?

5 A. Yes.

6 Q. And was this another email that you obtained pursuant to
7 the search warrant?

8 A. Correct.

9 MR. THOMPSON: Your Honor, I'd move to admit
10 Government Exhibit G-14.

11 MR. ANDREW BIRRELL: No objection.

12 THE COURT: G-14 is admitted and may be published.

13 BY MR. THOMPSON:

14 Q. All right. Agent Kary, could you describe this email?

15 A. This is an email from Mr. Abdiaziz Farah to the
16 Minnesota -- looks like the State of Minnesota related to
17 reviewing the food store plan, and there's also an
18 attachment. And the food store plan related to Empire
19 Cuisine & Market.

20 Q. Okay. You said there's an attachment. Does that start
21 at page 2 of Government Exhibit G-14?

22 A. Correct.

23 Q. Okay. And I'll direct your attention to the top here.
24 Could you describe what -- what the attachment is?

25 A. It's titled The Retail Food Store Plan Review

1 Application. And it's submitted on behalf -- or for the
2 establishment of Empire Cuisine & Market for the address
3 that was depicted in that first exhibit we saw for that
4 Suite 2 at the 232 Marschall Road.

5 Q. Okay. And who are the contacts listed for Empire
6 Cuisine & Market's store plan review application?

7 A. Both Mr. Farah and Mr. Ismail.

8 Q. Okay. And those are the email addresses there that you
9 searched listed? I'm sorry. Next to their names are email
10 addresses listed; is that right?

11 A. Yes.

12 Q. Are those the ones you searched?

13 A. Correct.

14 Q. And does it indicate on the first page the dates of the
15 construction for building out this retail store?

16 A. It indicates the start date is April 1st, 2020, and the
17 end date is April 15th, 2020.

18 Q. And above that is there information about the type of
19 the project that's being proposed?

20 A. Correct.

21 Q. What does it say?

22 A. "Conversion of an existing structure to a food
23 establishment."

24 Q. And then type of operation?

25 A. It says "grocery store."

1 Q. And in the upper right?

2 A. "Prepackaged food only."

3 Q. And then in parenthesis?

4 A. "No food or drink prep."

5 Q. Who signed this application?

6 A. Mr. Abdiaziz Farah.

7 Q. Thank you.

8 I'm going to show you Government Exhibit G-15,
9 which is another email on March 4, 2020; is that right?

10 A. Correct.

11 Q. And is this another email you obtained during your
12 search of Abdiaziz Farah's email account?

13 A. That is correct.

14 MR. THOMPSON: Your Honor, I move to admit
15 Government Exhibit G-15.

16 MR. ANDREW BIRRELL: No objection.

17 THE COURT: G-15 is admitted and may be published.

18 BY MR. THOMPSON:

19 Q. I direct your attention to the top of this, Agent Kary.
20 Could you describe this email?

21 A. This is another email from Mr. Farah to the State of
22 Minnesota, and the subject line, Metropolitan Council SAC
23 Determination Submittal Empire Cuisine & Market. And also
24 another attachment that's titled 232 Marschall Road.

25 Q. And, again, does this appear to have to do with the

1 construction of Empire Cuisine & Market?

2 A. Yes.

3 Q. And could you read the text here?

4 A. "Please see attached aerial view of 232 Marschall Road.
5 The highlighted area in yellow is where we are trying to
6 occupy. It used to be called Bella's Beauty Salon."

7 Q. That's March 4th, 2020?

8 A. Correct.

9 Q. And then on -- there's an attachment. I'm going to
10 highlight the attachment, which is on page 2 of Government
11 Exhibit G-15. Is that right?

12 A. Yes.

13 Q. Could you describe that?

14 A. So that's the aerial overhead view of the picture that
15 we saw previously on that first exhibit showing the
16 highlighted area, what they planned to build out on.

17 Q. And this whole building here, is that the entire strip
18 mall?

19 A. That is the entire strip mall, yes.

20 Q. Okay. You found other emails related to this topic; is
21 that right?

22 A. Yes.

23 Q. During the search?

24 A. Yes.

25 Q. I'm going to show you now Government Exhibit G-23. Is

1 Government Exhibit G-23 another email that you obtained
2 pursuant to the search warrant?

3 A. Yes.

4 MR. THOMPSON: Your Honor, I move to admit
5 Government Exhibit G-23.

6 MR. ANDREW BIRRELL: No objection.

7 THE COURT: G-23 is admitted and may be published.

8 MR. THOMPSON: Thank you, Your Honor.

9 BY MR. THOMPSON:

10 Q. Agent Kary, I'm going to zoom in on the header of this
11 email. Could you describe it for the jury, please?

12 A. This is an email from Mr. Farah to the email address
13 winstondallen@gmail.com, with a subject line of Empire Menu.
14 The date of it is March 19th, 2020, with an attachment
15 entitled Empire Menu.

16 Q. Okay. And let's look at that attachment, which is at
17 page 2 and 3 of this exhibit. Is that right?

18 A. Yes.

19 Q. Let me first zoom in on -- this is page 2, actually.
20 Could you describe that? Is that a logo?

21 A. It appears to be a logo for Empire Cuisine & Market.

22 Q. Okay. And then page 3 is the actual menu?

23 A. That's what it appears to be, yes.

24 Q. Could you generally describe the type of menu for Empire
25 Cuisine & Market here?

1 A. Menu that includes breakfast, appetizer, kid's menu,
2 cold drinks, hot drinks, smoothies, lunch and dinner.

3 Q. What's on the kid's menu?

4 A. Chicken nuggets, cheeseburger, chicken sandwich.

5 Q. And there's some sandwiches listed. What kind of
6 sandwiches?

7 A. A Philly, gyro, hufan wrap, chicken sandwich,
8 cheeseburger, fish sandwich.

9 Q. It looks like the prices range from \$0.99 to 17.99, does
10 that sound right, look right?

11 A. I'm not seeing the \$0.99, but -- yes, I do see -- yes,
12 correct.

13 Q. And this -- this -- that one is March 19th, 2020; is
14 that right?

15 A. Correct.

16 Q. Okay. Okay. So that construction is beginning
17 April 1st, 2020; is that right?

18 A. Yes.

19 Q. Scheduled to be completed on April 15th of 2020?

20 A. That's what that document submitted to the State said,
21 yes.

22 Q. Okay. Did -- you mentioned you subpoenaed bank records.
23 Did Mr. Farah and Mr. Ismail open a bank account in the name
24 of their new company?

25 A. Yes.

1 Q. And did you obtain some emails and some records related
2 to that?

3 A. We did, via the email search warrant.

4 Q. Okay. I'm going to show you what's been marked as
5 Government Exhibit O-7. Do you recognize Government
6 Exhibit O-7?

7 A. I do.

8 Q. What is it?

9 A. It's the U.S. Bank account related to Mr. Farah, and I
10 guess Mr. Farah being one of the signatures related to
11 Empire Cuisine & Market.

12 Q. So this is a bank account opened in the name of Empire
13 Cuisine & Market?

14 A. Correct.

15 Q. And which bank is it open -- which bank was this account
16 at?

17 A. U.S. Bank.

18 MR. THOMPSON: Your Honor, I move to admit
19 Government Exhibit O-7.

20 MR. SCHLEICHER: Objection, Your Honor. Just a
21 clarification on the record, could you state which Farah?

22 THE WITNESS: Abdiaziz Farah.

23 MR. SCHLEICHER: Thank you. No objection.

24 MR. ANDREW BIRRELL: No objection, Your Honor.

25 THE COURT: Exhibit O-7 is admitted and may be

1 published.

2 MR. THOMPSON: Thank you, Your Honor.

3 BY MR. THOMPSON:

4 Q. Agent Kary, I'm directing your attention to the second
5 page of Government Exhibit O-7, which is the signature card
6 for this account; is that right?

7 A. Yes.

8 Q. And account title Empire Cuisine & Market LLC; is that
9 right?

10 A. Correct.

11 Q. And the -- it's a business account; is that correct?

12 A. Yes.

13 Q. And who are the account holder names?

14 A. Mr. Ismail, Mr. Abdiaziz Farah.

15 Q. And directing your attention to the bottom of page 2,
16 who signed this account? When was it opened and who are the
17 signatures?

18 A. The account was opened on -- and signed for on May 12th,
19 2020 by both Mr. Mohamed Ismail and Mr. Abdiaziz Farah.

20 Q. And they had in fact reached out to U.S. Bank beforehand
21 to open this account; is that correct?

22 A. Yes. We discovered that in the email search warrants.

23 Q. Okay. And I want to show you one of the emails related
24 to this, which is G-42 and G-43. That's G-42. Do you see
25 that?

1 A. Yes.

2 Q. And G-43?

3 A. Yes.

4 Q. And are these emails that you obtained pursuant to the
5 search of Abdiaziz Farah's email account?

6 A. Yes.

7 Q. And are they emails to someone at U.S. Bank?

8 A. That's correct.

9 MR. THOMPSON: Your Honor, I move to admit
10 Government Exhibits G-42 and G-43.

11 MR. ANDREW BIRRELL: No objection, Your Honor.

12 THE COURT: G-42 and G-43 are admitted and may be
13 published.

14 MR. THOMPSON: Thank you, Your Honor.

15 BY MR. THOMPSON:

16 Q. We'll start with G-42, Agent Kary. Now, this is an
17 email -- these are a couple of emails from Abdiaziz Farah to
18 a banker at U.S. Bank; is that correct?

19 A. Yes.

20 Q. And what's the date on the emails?

21 A. May 8th, 2020.

22 Q. And these are in connection with opening that bank
23 account?

24 A. That's correct.

25 Q. All right. And it looks like in this first email is one

1 sent at 1:36 p.m. on May 8th?

2 A. Yes.

3 Q. Who sent that email?

4 A. Mr. Abdiaziz Farah.

5 Q. And it's -- the subject or the text is Mohamed ID?

6 A. Correct.

7 Q. There's an attachment, I believe. Is that right? Nope.

8 And then the banker responds; is that right?

9 A. Yes.

10 Q. What does the banker ask?

11 A. "50/50."

12 Q. I'm sorry. Below that.

13 A. Okay. "Who owns it, what percent?"

14 Q. And how does Mr. Farah respond?

15 A. "50/50."

16 Q. And on G-43, it's another email from Mr. Abdiaziz Farah
17 to the banker at U.S. Bank; is that right?

18 A. Correct.

19 Q. And what does he say?

20 A. The subject line, "Driver's License." And the text
21 says, "Please go ahead, open the account with my name and we
22 can add Mohamed later. Thank you."

23 Q. Okay. And on page 3 of Government Exhibit G-43 is a
24 photo of Mr. Abdiaziz Farah's driver's license; is that
25 right?

1 A. Yes.

2 Q. Okay. I'm also going to show you what's been marked,
3 but not admitted, as Government Exhibit G-45.

4 Is this another email on -- from Abdiaziz Farah to
5 U.S. Bank on May 8th, 2020?

6 A. Yes.

7 MR. ANDREW BIRRELL: No objection.

8 THE COURT: So you've offered it?

9 MR. THOMPSON: I have.

10 THE COURT: And I am admitting it, and it may be
11 published.

12 MR. THOMPSON: Thank you, Your Honor.

13 BY MR. THOMPSON:

14 Q. There's no subject line in this email, I don't believe,
15 or not much of one. What does the text say?

16 A. "Mohamed ID."

17 Q. And attached to it? What does Abdiaziz Farah attach to
18 that email?

19 A. Mr. Mohamed Ismail's driver's license.

20 Q. His business partner?

21 A. Yes.

22 Q. Okay. Okay. So that takes us to early May of 2020; is
23 that right?

24 A. Correct.

25 Q. When you started investigating Empire Cuisine and you

1 looked at those emails, did you look to see when that entity
2 first became involved in the Federal Child Nutrition
3 Program?

4 A. We did.

5 Q. And what did you find generally?

6 A. We found -- we started to look at some of the
7 applications and the contracts and the -- and some of the
8 claims data and where funds were going. And we kept
9 investigating.

10 Q. Okay. And did you look to see when they first enrolled?

11 A. Yes.

12 Q. Okay. And I'm going to show you now what's been marked
13 as Government Exhibit G-38.

14 You recognize Government Exhibit G-38?

15 A. I do.

16 Q. What is it?

17 A. It's another email obtained from a search warrant of
18 Mr. Abdiaziz Farah's account.

19 MR. THOMPSON: Your Honor, I move to admit
20 Government Exhibit G-38.

21 MR. ANDREW BIRRELL: No objection.

22 THE COURT: It's admitted and may be published.

23 MR. THOMPSON: Thank you, Your Honor.

24 BY MR. THOMPSON:

25 Q. This is an email from Abdiaziz Farah; is that correct?

1 A. Correct.

2 Q. And who is it sent to?

3 A. It's sent to Kara Lomen.

4 Q. Who is Kara Lomen?

5 A. She is the director of Partners in Quality Care,
6 Partners in Nutrition.

7 Q. Okay. What does Mr. Abdiaziz Farah say in his email?

8 A. Says, "Kara, please see attached. Let me know when you
9 are able to send the catering contract and any other
10 important info. Thank you so much."

11 Q. I'm going to turn your attention to the attachment,
12 which begins at page 2 of this exhibit; is that right?

13 A. Correct.

14 Q. Okay. Let's start at the top here. Could you describe
15 what this agreement is?

16 A. This appears to be an agreement between Partners in
17 Quality Care and related to the Summer Food Service Program,
18 related to the site Samaha Islamic Center for a location in
19 Shakopee, Minnesota.

20 Q. And what location, what site is that?

21 A. The Samaha Islamic Center.

22 Q. And what's the start date of this agreement?

23 A. April 16th, '20.

24 Q. And how -- April 16th of 2020, how does that relate to
25 when Abdiaziz Farah and Mohamed Ismail registered Empire

1 Cuisine & Market with Minnesota Secretary of State?

2 A. 15 days later.

3 Q. I'm going to -- who signed this site application or
4 sponsoring agreement on behalf of the Samaha Islamic Center
5 site?

6 A. Looks like Abdulkadir Abdi.

7 Q. Okay. Okay. I want to show you two more exhibits,
8 Government Exhibits G-37 and G-39, which are not yet
9 admitted.

10 There's G-37 and G-39. Are these both emails that
11 you obtained during the search of Abdiaziz Farah's email
12 account?

13 A. That's correct.

14 Q. And they're both from April 2020?

15 A. Yes.

16 MR. THOMPSON: Your Honor, I move to admit
17 Government Exhibits G-37 and G-39.

18 MR. ANDREW BIRRELL: No objection, Your Honor.

19 THE COURT: G-37 and G-39 are admitted and may be
20 published.

21 MR. THOMPSON: Thank you, Your Honor.

22 BY MR. THOMPSON:

23 Q. Let's start with G-37. G-37 is an email chain; is that
24 correct?

25 A. That's correct.

1 Q. And it's between Abdiaziz Farah and Kara Lomen?

2 A. Yes.

3 Q. And we'll start at the bottom email. The first in time
4 is -- was sent on April 15th of 2020; is that right?

5 A. Yes.

6 Q. And what does Ms. Lomen say in her first email here?

7 A. It states, "This is the agreement that I need signed by
8 someone from the site. Once you have it, please send it
9 back to me and we can set up a time to meet. Looking
10 forward to working with you. Kara Lomen, Executive
11 Director."

12 Q. And this is April 15th. So one day before he submitted
13 that site application; is that correct?

14 A. That's correct.

15 Q. Okay. And --

16 MR. ANDREW BIRRELL: Object. This is vague. Who
17 submitted what?

18 THE COURT: Overruled.

19 MR. ANDREW BIRRELL: Who's "he"?

20 THE COURT: Overruled.

21 BY MR. THOMPSON:

22 Q. Who sent an application on behalf of a site the
23 following day to Ms. Lomen?

24 A. Mr. Abdiaziz Farah.

25 Q. Thank you.

1 MR. ANDREW BIRRELL: Thank you.

2 BY MR. THOMPSON:

3 Q. Mr. Farah in the first page of Government Exhibit C37
4 responded to Kara Lomen's email; is that correct?

5 A. Yes.

6 Q. What does he say?

7 A. The subject line is Agreement for Food. And the text
8 is, "Thank you for sending this. I appreciate it. I also
9 wanted to ask you if I will be able to do another site that
10 is currently approved as a childcare, doesn't have any kids,
11 but has kitchen where meals can be served. Will it be
12 possible to make it an open site for all families during the
13 pandemic even though they don't have any kids enrolled there
14 now? It's basically empty space, but we can utilize it as a
15 space for feeding site" -- sites "during the pandemic."

16 Q. And does Ms. Lomen respond to Abdiaziz Farah's email?

17 A. She does.

18 Q. And what does she say?

19 A. Says, "You can have another site as long as the address
20 qualifies. Do you want to send me all of the addresses so
21 that I can check them for you before you fill out the
22 paperwork?"

23 Q. Okay. And does Mr. Farah in fact send addresses to Kara
24 Lomen?

25 A. Yes.

1 Q. What are those addresses?

2 A. 214 Holmes Street, Shakopee, Minnesota, and also 4102
3 County Road 42 West.

4 Q. And that's on April 16th of 2020?

5 A. Correct.

6 Q. I'm going to show you now what's been admitted as
7 Government Exhibit G-39. Could you describe Government
8 Exhibit G-39, please?

9 A. It's an email from Mr. Abdiaziz Farah to Kara Lomen and
10 another individual at Partners in Quality Care, the subject
11 line of Free Meals Flier.

12 And the text says, "Hello, I emailed you a copy of
13 the menu we will be using to start tomorrow. We are looking
14 to distribute about 250 meals. Let me know what you need
15 from my end."

16 Q. And what's the date on this email?

17 A. April 19th of 2020.

18 Q. And how does that compare to when Empire Cuisine &
19 Market was registered with the Minnesota Secretary of State?

20 A. Just 18 days after.

21 Q. And how does that compare to when Mr. Abdiaziz Farah and
22 Mohamed Ismail actually opened a bank account in the name of
23 their new company?

24 A. Before they opened a bank account.

25 Q. The second page of Government Exhibit G-39 is a flyer

1 that's attached to that email; is that correct?

2 A. Correct.

3 Q. Okay. Could you describe the top of it here?

4 A. The flier says for "Samaha Family Center, East African
5 Empire inspired cuisine, in partnership with Empire Cuisine,
6 will be providing free meals daily at 232 Marschall Road,
7 Shakopee, Minnesota."

8 Q. At 232 Marschall Road, is that the strip mall location
9 we were talking about earlier?

10 A. That's correct.

11 Q. And those emails we looked at earlier, they were with
12 the State of Minnesota; is that correct?

13 A. Yes.

14 Q. And what were they talking about doing?

15 A. A renovation.

16 Q. To build what?

17 A. A grocery store.

18 Q. And what had that space been?

19 A. A beauty salon.

20 Q. Could you read the next part of the flier here?

21 A. "Meals are for children under the age of 17. You will
22 need to be present to receive meals. You will be required
23 to give the first and last names of all your children
24 receiving meals. One meal per child."

25 Q. And is there a contact person listed?

1 A. Yes.

2 Q. Who is that?

3 A. Mr. Abdiaziz Farah.

4 Q. Okay. Did Abdiaziz Farah subsequently submit meal
5 counts to Partners in Nutrition for meals -- seeking
6 reimbursement for meals served at that site?

7 A. Yes.

8 Q. I'm going to show you now what's been marked as
9 Government Exhibit G-55. Do you recognize Government
10 Exhibit G-55?

11 A. Yes.

12 Q. What is it?

13 A. It's an email that we obtained via the email search
14 warrant of Mr. Abdiaziz Farah's email account.

15 Q. Okay.

16 MR. THOMPSON: Your Honor, I move to admit
17 Government Exhibit G-55.

18 MR. ANDREW BIRRELL: No objection, Your Honor.

19 THE COURT: G-55 is admitted and may be published.

20 MR. THOMPSON: Thank you, Your Honor.

21 BY MR. THOMPSON:

22 Q. Agent Kary, could you describe Government Exhibit G-55
23 for me?

24 A. It's an email from Mr. Abdiaziz Farah to Kara Lomen and
25 others at or in -- I'm sorry -- also to another individual

1 at Partners in Quality Care and to his business partner
2 Mr. Ismail. And the subject line is May 2020 Meal Counts,
3 and it has an attachment.

4 And it states in the text, "Hello Team. Please
5 see attached for your review. Let me know if you have any
6 questions."

7 Q. Okay. And this is from Abdiaziz Farah to Kara Lomen and
8 Mohamed Ismail, among others?

9 A. Correct.

10 Q. And attached to this email are daily meal count forms;
11 is that correct?

12 A. Correct.

13 Q. And I'm showing you page 32 of Government Exhibit G-55,
14 which is one of these meal count forms; is that right?

15 A. Yes.

16 Q. And just looking at the top, could you describe the
17 sponsor and site that this meal count form relates to?

18 A. The sponsor name is indicated Partners in QC. So that
19 would be Partners in Quality Care or Partners in Nutrition,
20 PIN. And the site name is indicated as Samaha Islamic
21 Center. And the date is May 1st, 2020, for the meal type of
22 breakfast and lunch and the day of Friday.

23 Q. And then there's a -- well, describe what we have here.
24 It looks like some checkmarks indicating the number of
25 meals?

1 A. Correct. It -- the number 2 there, it describes the
2 clicker, and it's a bunch of Xs on the numbers.

3 Q. And how many -- does it indicate how many total meals
4 were served on May 1st of 2020 at this site?

5 A. It goes through the clicker up to 150, and then the meal
6 count says total first meals 290.

7 Q. It looks like it's signed at the bottom here; is that
8 correct?

9 A. Correct.

10 Q. Now, this is a 31-page attachment to this email; is that
11 right?

12 A. 32.

13 Q. Okay. And --

14 A. Sorry. Yes.

15 Q. And are they all meal count forms for each day of May?

16 A. Could you page through it? I just want to make sure.
17 Yes, that's correct.

18 Q. Okay. And these all relate to that site at Samaha
19 Islamic Center?

20 A. Yes.

21 Q. Looks like a lot of days 290 or 295 kids -- or meals
22 served to kids?

23 A. Correct.

24 Q. This one, for example, page 17, is it signed?

25 A. It is.

1 Q. Are they all signed?

2 A. Yes.

3 Q. Okay. So that's the first site; is that correct?

4 A. That's the first site our investigation uncovered, yes.

5 Q. Okay. I'm going to show you on the screen, but not
6 everyone else -- try to show you.

7 Okay. All right. So we looked yesterday at CLiCS
8 at some extensively -- somewhat extensively; is that right?

9 A. Correct.

10 Q. So there's that first site at the Samaha Islamic Center.
11 And that was started in April of 2020; is that right?

12 A. Yes.

13 Q. You looked at the CLiCS data for that, for that site?

14 A. Yes.

15 Q. I think that was what's been admitted as Government
16 Exhibit 017 -- C-17; is that correct?

17 A. Correct.

18 Q. Up on the screen here. Do I have that right?

19 A. Yes.

20 Q. All right. This is -- page 24 of C-17 is the
21 corresponding CLiCS data for this month; is that correct?

22 A. Correct. For the April of 2020.

23 Q. Okay. So we just looked at those meal counts that
24 Abdiaziz Farah sent to Kara Lomen; is that right?

25 A. Yes.

1 Q. And then we had the CLiCS thing here at Government
2 Exhibit C-17.

3 A. Correct.

4 Q. Can you explain for us the relationship between those
5 meal counts and these claims in CLiCS?

6 A. So the understanding based on the investigation is that
7 the meal counts submitted from the sites to the sponsor are
8 then entered into the CLiCS system and batched to the
9 Minnesota Department of Education to make payment related to
10 the meal count numbers that are submitted.

11 Q. Okay. So the sponsor -- the site submits certain forms
12 to the sponsor.

13 A. Correct.

14 Q. In this case Partners in Nutrition.

15 A. Yes.

16 Q. What kind of forms?

17 A. Well, specifically, what we're talking about now, meal
18 counts, those numbers. They submit those.

19 Q. Are there also other documentation?

20 A. Yes.

21 Q. What kind of documentation?

22 A. Documentation would be the invoices or receipts
23 supporting the food purchased, as well as the rosters, the
24 names of the individuals receiving the meals.

25 Q. Okay. Great. Okay.

1 A. And also the menus and meal plans.

2 Q. Right. And we saw the Samaha site. There's -- like
3 these other ones we've seen, there's a vendor contract,
4 correct?

5 A. Correct.

6 Q. And in this case it's Government Exhibit C-18?

7 A. Yes.

8 Q. And that's the vendor contract for this site?

9 A. That's correct.

10 Q. Empire Cuisine & Market; is that right?

11 A. Yes, the Summer Food Service Program contract for vended
12 meals.

13 Q. Okay. And what's the date on this contract?

14 A. April 14th of 2020 through --

15 Q. Okay.

16 A. -- September 5th of 2020.

17 Q. And those are -- this is something we looked at
18 yesterday; is that right?

19 A. That is correct.

20 Q. I think we looked at yesterday that Mohamed Ismail and
21 Abdiaziz Farah are listed as the people on these sites, is
22 that -- or the owners, managers of Empire Cuisine & Market?

23 A. Correct.

24 Q. Okay. Before I get to the claims, I want to show you
25 what's been marked, but not admitted, as Government Exhibit

1 C-35.

2 Do you recognize Government Exhibit C-35?

3 A. I do.

4 Q. What is Government Exhibit C-35?

5 A. It's a photograph of the Samaha Islamic Center.

6 Q. Okay. And is that a true and accurate copy of the
7 center?

8 A. Yes.

9 MR. THOMPSON: Your Honor, I move to admit
10 Government Exhibit C-35.

11 MR. ANDREW BIRRELL: No objection, Your Honor.

12 THE COURT: C-35 is admitted and may be published.

13 MR. THOMPSON: Thank you.

14 BY MR. THOMPSON:

15 Q. Could you describe it for us, Agent Kary?

16 A. Appears to be a building that off to the left side is
17 the Samaha Islamic Center, not the brick building to the
18 right.

19 Q. How would you describe the parking lot?

20 A. Enough spots to maybe fit, I don't know, ten cars or so.

21 Q. In fact, this might be more parking next to it here
22 (indicating)?

23 A. Correct.

24 Q. Okay. And this is in Shakopee?

25 A. Correct.

1 Q. Okay. Yesterday we went through at some length the
2 CLiCS data; is that right?

3 A. Yes.

4 Q. For this site. I don't want to do that again, but I do
5 want to ask you, you've looked at the CLiCS data, correct?

6 A. Yes.

7 Q. And not only the ones we went through yesterday, but
8 also the spreadsheet containing all the claims; is that
9 right?

10 A. Yes.

11 Q. And that's been admitted as Government Exhibit C-580; is
12 that right?

13 A. Correct.

14 Q. And did you -- were you able to make a summary of those
15 data that's more easy for the -- a little more easy for the
16 rest of us to understand?

17 A. I did not make the summary, but I was part of the team
18 that put it together, yes.

19 Q. Confirmed that the numbers are accurate?

20 A. Yes.

21 Q. All right. I'd like to show you Government
22 Exhibits N-12 and N-13.

23 And Government Exhibit N-12, is that a summary
24 month by month of all the meals claimed for the Samaha
25 Islamic Center site?

1 A. That's correct.

2 Q. And Government Exhibit N-13, is that a similar summary
3 for the reimbursements claimed, the dollar amount of the
4 reimbursements claimed each month for the Samaha Islamic
5 site?

6 A. Correct. It's the dollar amount claimed.

7 Q. And these are based on the claims submitted to MDE
8 through the CLiCS system by Partners in Nutrition?

9 A. This is based on the funds that were sent to the sponsor
10 or vendor related to the various months. So it's the funds
11 actually going out.

12 Q. That are claimed here, right, the dollar amount claimed?

13 A. The claimed, yes.

14 Q. Yes. So the amount they are asking for?

15 A. Correct.

16 Q. Correct? Okay. And these are based on the -- a review
17 and a summary of distillation of the CLiCS information and
18 the claim information?

19 A. Correct.

20 Q. And would this help the jury understand these claims
21 more easily?

22 A. Yes.

23 MR. THOMPSON: Your Honor, I move to admit
24 Government Exhibits N-12 and N-13.

25 MR. ANDREW BIRRELL: May I voir dire the witness

1 to understand this a little bit before I decide whether to
2 object?

3 THE COURT: You may.

4 MR. ANDREW BIRRELL: Thank you.

5 I want to understand what you did to make this
6 chart, because you said two different things.

7 One thing you said was that you reviewed claims
8 data out of CLiCS. Is that right?

9 THE WITNESS: Correct.

10 MR. ANDREW BIRRELL: All right. So this was data
11 from the sponsor to MDE requesting payment.

12 THE WITNESS: Correct.

13 MR. ANDREW BIRRELL: Okay. The other thing you
14 said was that you used bank records to assemble this
15 document.

16 THE WITNESS: So just to be clear, I did not
17 assemble this document. I was part of the team that put it
18 together.

19 But I can explain that the -- it's a combination
20 of two parts. The first one we looked at is related to the
21 actual data that's entered into the CLiCS system, being
22 the -- you could pull it right off of the pages that we
23 looked at in the C exhibits that show average daily meal
24 counts with the number at the bottom. And then you could
25 look and see that they're entered, the actual meal totals,

1 meaning the 2500 daily entered. So that portion comes from
2 the CLiCS there. And then the dollar amounts here are what
3 the dollar amounts paid related to that site.

4 MR. ANDREW BIRRELL: Well, you've titled it Dollar
5 Amount Claimed by Mind Foundry. But actually what this is,
6 if I'm understanding what you're saying is, it's dollars
7 paid by MDE for claims that were sent in CLiCS; is that
8 right?

9 THE WITNESS: Correct.

10 MR. ANDREW BIRRELL: All right. So Mind Foundry
11 did not make a claim here.

12 THE WITNESS: So this --

13 MR. ANDREW BIRRELL: Right?

14 THE WITNESS: This is related to the site name.
15 So that actual claim for Mind Foundry/Samaha Islamic Center
16 is what's on the CLiCS data sheet. So if we went back to
17 the C exhibits, you would see the title that says Mind
18 Foundry/Samaha Islamic Center. So that's related to the
19 dollar amounts claimed for that. That's the title that is
20 on the CLiCS for that site.

21 MR. ANDREW BIRRELL: But this -- excuse me. Did
22 you finish?

23 This N-13, though, is not about CLiCS data. This
24 is about dollars paid, right?

25 THE WITNESS: Correct.

1 MR. ANDREW BIRRELL: And this "dollars paid" you
2 did not get out of the CLiCS system. You got it from bank
3 records that you obtained by a grand jury subpoena and
4 reviewed, right?

5 THE WITNESS: Correct.

6 MR. ANDREW BIRRELL: Okay. So the top of this
7 says Dollar Amount Claimed. This is actually dollars paid
8 by MDE that you found in bank records; is that right?

9 THE WITNESS: Correct.

10 MR. ANDREW BIRRELL: All right. I don't object
11 with that understanding.

12 THE COURT: N-12 and N-13 are admitted and may be
13 published.

14 We are going to take our lunch break a little
15 early today, and we will be back at 1:35.

16 I've got a commitment that I need to keep, so
17 that's why the odd timing today.

18 Thank you all.

19 THE CLERK: All rise.

20 **IN OPEN COURT**

21 **(JURY NOT PRESENT)**

22 THE COURT: All right. 1:35, everyone.

23 We're in recess.

24 (Recess taken at 12:17 p.m. till 1:34 p.m.)

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IN OPEN COURT

(JURY PRESENT)

THE COURT: You may all be seated.

Mr. Thompson, you may inquire.

MR. THOMPSON: Thank you, Your Honor.

BY MR. THOMPSON:

Q. Good afternoon, Agent Kary. Welcome back.

A. Good afternoon.

Q. Yesterday or at various times I think with Ms. Honer's testimony, there was discussion of a company called

ThinkTechAct. Do you recall that?

A. I do.

Q. What is ThinkTechAct?

A. A nonprofit organization that was purportedly focused on educational enrichment programs.

Q. And did it also go by another name?

A. It did. It had a doing business as Mind Foundry.

Q. Okay. And whose company was -- who ran ThinkTechAct and Mind Foundry?

A. Mahad Ibrahim.

Q. I'm going to show you on the screen Government Exhibits B-1 and B-3.

And Government Exhibit B-1, is that the Secretary of State records for ThinkTechAct?

A. Correct.

1 Q. And Government Exhibit B-3, is that the corporate
2 records of Secretary of State records related to the
3 creation or registration of Mind Foundry?

4 A. Correct.

5 MR. THOMPSON: Your Honor, I would move to admit
6 Government Exhibits B-1 and B-3.

7 THE COURT: Any objection?

8 MR. MOHRING: No objection.

9 THE COURT: B-1 and B-3 are admitted and may be
10 published.

11 MR. THOMPSON: Thank you, Your Honor.

12 BY MR. THOMPSON:

13 Q. Agent Kary, I'm showing you on the screen page 4 of
14 Government Exhibit B-1, which I believe is the articles of
15 incorporation for ThinkTechAct Foundation; is that right?

16 A. Yes.

17 Q. And who is the agent, the person who created the
18 company?

19 A. Mahad Ibrahim.

20 Q. And go up one page. When did he create the company?

21 A. On August 2nd, 2016.

22 Q. Okay. And I'm going to direct your attention to page 16
23 of this -- I'm sorry -- page 15 of Government Exhibit B-1.
24 What's -- what do we have here?

25 A. It's the addendum to the articles of incorporation of

1 ThinkTechAct Foundation.

2 Q. Okay. Amended articles of incorporation here?

3 A. Correct.

4 Q. And it's -- what's the -- does it say it's a nonprofit
5 organization here on the middle of page 15?

6 A. Yes.

7 Q. And on page 16 it lists the board of directors for the
8 ThinkTechAct Foundation. Who are the board of directors?

9 A. It lists Mr. Abdiaziz Farah, Edward Fellows and Khalid
10 Adam.

11 Q. Thank you. And the address listed for them, do you
12 recognize that address?

13 A. I do.

14 Q. 200 Southdale Center in Edina, Minnesota?

15 A. That's correct.

16 Q. Are you familiar with that address?

17 A. I am.

18 Q. What is it?

19 A. It's a Life Time office suites, kind of a shared space,
20 where the ThinkTechAct Corporation registered as its company
21 was doing business at.

22 Q. The Life Time work facility is an office share space?

23 A. Correct.

24 Q. Connected to Southdale Mall?

25 A. Yes.

1 Q. And the date on these amended articles of incorporation
2 I believe is -- when were they filed here on page 18?

3 A. June 3rd of 2021.

4 Q. Thank you.

5 Now, directing your attention to Government
6 Exhibit B-3, which is the -- is another Secretary of State
7 filing related to ThinkTechAct Foundation; is that right?

8 A. Correct.

9 Q. And this one is a certificate of assumed name?

10 A. Correct.

11 Q. What is that?

12 A. That's where they're registering with the Secretary of
13 State certifying the assumed name to do business as Mind
14 Foundry Learning Foundation.

15 Q. When you say an "assumed name to do business as," can
16 you explain what that means?

17 A. So that would be the title of their company that they're
18 going to use.

19 Q. And what's the assumed name that they're seeking to do
20 business under in the State of Minnesota?

21 A. Mind Foundry Learning Foundation.

22 Q. And that looks like it was filed in 2018; is that
23 correct?

24 A. Correct. February of 2018?

25 Q. Okay. ThinkTechAct and Mind Foundry, did it come in

1 your investigation into the food program?

2 A. It did.

3 Q. How so?

4 A. Both sponsors, Feeding Our Future and ThinkTechAct,
5 provided funds. They had site locations around the state at
6 various places. So ThinkTechAct and Mind Foundry had sites.
7 And upon reviewing the financial records and reviewing the
8 records obtained during the investigation, the name came up
9 in numerous ways.

10 Q. Specifically, yesterday we saw some of these sites were
11 under -- that related to Empire, were under the name of
12 either ThinkTechAct or Mind Foundry; is that right?

13 A. Correct.

14 Q. Okay. I want to -- when you reviewed the email
15 accounts, we talked about searching Abdiaziz Farah's
16 account, correct?

17 A. Correct.

18 Q. And Mohamed Ismail's account?

19 A. Yes.

20 Q. Did you also obtain a warrant to search Mahad Ibrahim's
21 account?

22 A. Yes.

23 Q. What were you looking for?

24 A. Looking for evidence related to the Federal Child
25 Nutrition Program investigation.

1 Q. Okay. And did you find some?

2 A. We did.

3 Q. Okay. I want to talk a little bit about that. First, I
4 want to show you Government Exhibit G-48.

5 Could you just briefly describe what G-48 is?

6 A. It looks like an email chain from -- initiating from the
7 Minnesota Department of Education, and then the message is
8 being forwarded from Mr. Abdiaziz Farah to Mahad Ibrahim.

9 Q. And that was on May 14th of 2020?

10 A. Correct.

11 MR. THOMPSON: Your Honor, I move to admit
12 Government Exhibit G-48.

13 MR. ANDREW BIRRELL: No objection.

14 THE COURT: G-48 is admitted and may be published.

15 MR. THOMPSON: Thank you, Your Honor.

16 BY MR. THOMPSON:

17 Q. Agent Kary, do you see Government Exhibit G-48 on the
18 screen on front of you?

19 A. I do.

20 Q. You said it was an email chain -- or it was an email
21 that was forwarded, correct?

22 A. Correct.

23 Q. And who was it forwarded from and to?

24 A. It was forwarded from Mr. Abdiaziz Farah to Mahad
25 Ibrahim.

1 Q. And what's the subject line of the email that he's
2 forwarding?

3 A. Nutrition Bulletin -- Nutrition Program Bulletin, Week
4 of May 11th, 2020.

5 Q. Okay. And where -- when is that in relation to the
6 opening of the first site at Empire?

7 A. About -- so the first site, Samaha, was April 16th. So
8 about a month. And it's two days after the bank account was
9 opened.

10 Q. And the email that Abdiaziz Farah is emailing to Mahad
11 Ibrahim is from the Minnesota Department of Education; is
12 that right?

13 A. Correct.

14 Q. It's a nutrition program bulletin?

15 A. Yes.

16 Q. For the week of May 11th, 2020?

17 A. That's correct.

18 Q. And turning your attention to the second page, it begins
19 with a discussion of waiver extension requests?

20 A. Correct.

21 Q. Without getting into the details, what kind of waivers
22 are being discussed in this email that Mr. Abdiaziz Farah
23 forwarded to Mahad Ibrahim?

24 A. The noncongregate feeding nationwide waiver and the area
25 eligibility waiver.

1 Q. These are the waivers that we've had some testimony
2 about the last day or two; is that right?

3 A. Correct.

4 Q. Okay. And I want to show you now what's been marked,
5 but not admitted, as Government Exhibit G-50.

6 Is this an email that you obtained during your
7 searches of Abdiaziz Farah and Mahad Ibrahim's email
8 accounts?

9 A. Yes, it is.

10 Q. And May 19th of 2020?

11 A. Correct.

12 MR. THOMPSON: Your Honor, I move to admit
13 Government Exhibit G-50.

14 MR. ANDREW BIRRELL: No objection.

15 THE COURT: G-50 is admitted and may be published.

16 MR. THOMPSON: Thank you, Your Honor.

17 BY MR. THOMPSON:

18 Q. G-50 here is an email initially from Mahad Ibrahim to
19 Abdiaziz Farah; is that correct?

20 A. Yes.

21 Q. And it look like he's emailing a Google spreadsheet,
22 forwarding a Google spreadsheet?

23 A. Correct.

24 Q. And what's the title of the spreadsheet?

25 A. Summer Food Sites.

1 Q. And does Abdiaziz Farah respond to Mahad Ibrahim's
2 email?

3 A. He does.

4 Q. And how does he respond?

5 A. The text says, "We can complete this together tomorrow,
6 bro."

7 Q. I'm going to show you now what's been marked as
8 Government Exhibit G-52. Is this an email that Mahad
9 Ibrahim sent to Abdiaziz Farah and Kara Lomen the next day,
10 May 20th, 2020?

11 A. That's correct.

12 MR. THOMPSON: Your Honor, I move to admit
13 Government Exhibit G-52.

14 MR. ANDREW BIRRELL: Without objection, Your
15 Honor.

16 THE COURT: G-52 is admitted and may be published.

17 BY MR. THOMPSON:

18 Q. Could you describe this email for the jury?

19 A. It is an email from Mr. Mahad Ibrahim to Kara Lomen and
20 cc'ing Mr. Abdiaziz Farah. Subject line, Re: Sites For Food
21 Distribution. And it's dated May 20th of 2020, with
22 attachments that are titled Template and for Boulder Ridge
23 Townhomes and Template for Winfield Townhomes.

24 Q. And the email itself reads, "Hi, Kara. Here are two
25 sites we'd like to start by Friday, if possible. I've

1 attached the site information form. Empire will be the
2 caterer. Please let me know what else you need. I know
3 there is one other document that I'll have ready tomorrow
4 morning."

5 Is that right?

6 A. Correct.

7 Q. And attached to this email, are there site information
8 forms?

9 A. Documents that indicate the sites, yes.

10 Q. Okay. And the first one is at page 2 of Government
11 Exhibit 52; is that right?

12 A. Correct.

13 Q. And what's the location? What's the name of this first
14 site that's attached to the email?

15 A. Boulder Ridge Townhomes.

16 Q. And what city is that located in?

17 A. Shakopee.

18 Q. And there's three contact people listed; is that
19 correct?

20 A. Correct.

21 Q. Who are the contact people?

22 A. Mahad Ibrahim, Abdiaziz Farah and Khadija Ahmed.

23 Q. Okay. And does it indicate when the site will be
24 starting and when it will be open?

25 A. It does.

1 Q. What does it say about that?

2 A. It says May 22nd, 2020, and open daily with the check
3 marks.

4 Q. Okay. And at the bottom does it have times for the
5 proposed -- for the meals service?

6 A. It does.

7 Q. Page 3 is a second site information sheet that's
8 attached to that email; is that correct?

9 A. Correct.

10 Q. Tell us about this site briefly.

11 A. It has the name of the site as Winfield Townhomes and
12 the address as 3950 141st Street, and that's in Savage. And
13 the contact is the same as the previous contact of Mahad
14 Ibrahim, Abdiaziz Farah and Khadija Ahmed.

15 Q. Same start date and times of operation?

16 A. Correct.

17 Q. That one, that email is May 20th, right?

18 A. Yes.

19 Q. And I'm going to show you now Government Exhibit G-53,
20 which is not yet in evidence.

21 G-53, is that another email that you obtained
22 during the search of Abdiaziz Farah's email account?

23 A. Yes.

24 Q. And it's dated May 26th of 2020?

25 A. Correct.

1 MR. THOMPSON: Your Honor, I move to admit
2 Government Exhibit G-53.

3 MR. ANDREW BIRRELL: In objection, Your Honor.

4 THE COURT: G-53 is admitted and may be published.

5 BY MR. THOMPSON:

6 Q. Okay. Another, another email from Abdiaziz Farah to
7 Kara Lomen?

8 A. Correct.

9 Q. The executive director of Partners in Nutrition?

10 A. Yes.

11 Q. Subject line is New Site?

12 A. Correct.

13 Q. And what's listed there?

14 A. Dar-us-Salam Cultural Center.

15 Q. Now, we went through CLiCS data yesterday, and it was
16 kind of tedious, but there's a lot of sites, correct?

17 A. Correct.

18 Q. A bunch of them were under the name of ThinkTechAct or
19 Mind Foundry?

20 A. Yes.

21 Q. I'm going to show you now a couple emails just related
22 to the creation of those sites. Okay? First is G-87.

23 And is that an email from Mahad Ibrahim to Kara
24 Lomen and Abdiaziz Farah on November 23rd of 2020?

25 A. Yes.

1 Q. Did you obtain it pursuant -- how did you obtain this
2 email, actually?

3 A. This email would have come via a grand jury subpoena to
4 Partners in Quality Care, Partners in Nutrition.

5 Q. Okay. And I'm going to show you G-89 then too, as long
6 as we're at it.

7 Is this another email that was produced by
8 Partners in Nutrition?

9 A. Correct.

10 Q. Pursuant to a grand jury subpoena?

11 A. Yes.

12 Q. And this is from Mahad Ibrahim to Kara Lomen and
13 Abdiaziz Farah also in November of 2020?

14 A. Yes.

15 MR. THOMPSON: Your Honor, we would move to admit
16 Government Exhibits G-87 and G-89.

17 MR. ANDREW BIRRELL: No objection, Your Honor.

18 THE COURT: G-87 and 89 are admitted and may be
19 published.

20 MR. THOMPSON: Thank you, Your Honor.

21 BY MR. THOMPSON:

22 Q. Agent Kary, first G-87. Can you tell us about, just
23 briefly, about this email on November 23rd of 2020?

24 A. This is an email from Mahad Ibrahim to Kara Lomen and
25 Abdiaziz Farah. The subject line says, Re: Additional

1 Sites. And it lists various sites, and two of them are --
2 excuse me -- three in Owatonna, two in Minneapolis and one
3 in Lexington.

4 Q. And then G-89 is -- go down to the bottom here. And it
5 looks like there were some -- some commentary discussion of
6 these sites; is that right?

7 A. Correct.

8 Q. About the location of these sites?

9 A. Yes.

10 Q. And what does Mr. Ibrahim say about the -- what does he
11 ask Ms. Lomen to do?

12 A. In the text he says, "Actually you can process all sites
13 as Mind Foundry Learning Foundation. Sorry for the
14 confusion."

15 Q. Okay. And just to be clear, I'll go back to those,
16 the initial email here looks like there's some commentary
17 back and forth between Kara Lomen and Mahad Ibrahim about
18 these sites; is that correct?

19 A. That is correct.

20 Q. And I'll direct your attention to the 144 West Bridge
21 Street in Owatonna. Do you see that one?

22 A. Yes.

23 Q. It looks like there's a couple questions and then some
24 answers. Could you read those, please?

25 A. The questions read, "Can you tell me the name of this

1 building or program? I need something to put on it other
2 than just an address. Should it be Mind Foundry? I can't
3 submit with just the address; and when I Googled it, nothing
4 obvious popped up."

5 Q. And how did Mr. Ibrahim respond?

6 A. His response, "Will get back to you on this one. You
7 can say Mind Foundry Learning Foundation to submit?"

8 Q. Okay. How about this -- the one above it is also in
9 Owatonna at 441 St. Paul Place?

10 A. Correct.

11 Q. What does it say?

12 A. It says, "I think that this site is too close to
13 Washington Elementary, which is an open site. I can submit
14 for a site ID, but the odds are good that this one will get
15 rejected."

16 Q. Okay. All right. So I want to change gears here,
17 Agent Kary. Yesterday we talked about the CLiCS data,
18 correct?

19 A. Correct.

20 Q. And CLiCS are the claims -- that's the program through
21 which a sponsor submits claims; is that right?

22 A. Correct.

23 Q. Claims for reimbursement?

24 A. Yes.

25 Q. And there was some discussion about what kind of

1 documentation are submitted with the actual claims to MDE.

2 And does the sponsor submit claims documenting -- paperwork
3 documenting the claims in the CLiCS system?

4 A. I'm sorry. Could you rephrase?

5 Q. That was poorly worded.

6 What kind of documentation is submitted to MDE in
7 support of the claims, with -- along with the claims in
8 realtime?

9 A. The entry goes into the CLiCS system. So the sponsor
10 enters the data from presumably the meal count sheets into
11 CLiCS.

12 Q. Okay. And the paperwork supporting, I think there was
13 discussion about the types of paperwork that has to be
14 supporting the claims, that's retained by the sponsor?

15 A. Yes.

16 Q. And what kind of documentation?

17 A. The things that are listed retained would be certainly
18 the meal count sheets, the invoices, the rosters, the menu,
19 menu plans.

20 Q. Okay. So we went through the CLiCS data yesterday for a
21 bunch of those sites and introduced some into evidence; is
22 that right?

23 A. Correct.

24 Q. Did you during the investigation obtain the underlying
25 documents that was provided to the partners or the sponsors,

1 Partners in Nutrition, Feeding Our Future, supporting those
2 claims?

3 A. Yes, we did.

4 Q. All right. And how did you go about doing that with
5 respect to Partners in Nutrition?

6 A. With respect to Partners in Nutrition, we issued a grand
7 jury subpoena to the organization.

8 Q. Among other things, did you subpoena them for meal
9 counts supporting the claims of the sites related to Empire
10 Cuisine & Market?

11 A. Yes, we did.

12 Q. And did they produce them?

13 A. They did.

14 Q. All right. I'm going to first show you on the screen
15 Government Exhibit F-1a.

16 Is Government Exhibit F-1a an example of some of
17 the meal counts that were produced by PIN responsive to the
18 grand jury subpoena?

19 A. Yes, it is.

20 Q. And specifically are these the meal counts for April of
21 2020?

22 A. Yes.

23 Q. For the Empire site?

24 A. Correct, for the Empire site Samaha Islamic Center.

25 MR. THOMPSON: Your Honor, I move to admit

1 Government Exhibit F-1a?

2 MR. ANDREW BIRRELL: No objection, Your Honor.

3 THE COURT: F-1a is admitted and may be published.

4 MR. THOMPSON: Thank you.

5 BY MR. THOMPSON:

6 Q. Agent Kary, you see F-1a on the screen?

7 A. Yes.

8 Q. Does that look familiar? I think we saw something
9 similar earlier today, correct?

10 A. Yes, it was attached to that email that was previously
11 entered as an exhibit.

12 Q. And that was an email send from Abdiaziz Farah to
13 Partners in Nutrition?

14 A. Correct.

15 Q. Okay. And these are the meal counts for that Samaha
16 Islamic Center site?

17 A. Yes.

18 Q. For April 2021?

19 A. Correct.

20 Q. And, again, we looked at it as around between 2, 300
21 kids a day, meals a day?

22 A. Correct.

23 Q. Did you also account for later months from Partners in
24 Nutrition?

25 A. Yes.

1 Q. For example, for June of 2021 did you get meal counts?

2 A. Yes.

3 Q. And those -- have those been marked as Government
4 Exhibit F-1b?

5 A. Correct.

6 MR. THOMPSON: Your Honor, I would move to admit
7 Government Exhibit F-1b.

8 MR. ANDREW BIRRELL: What was it again?

9 No objection, Your Honor.

10 THE COURT: F-1b is admitted and may be published.

11 BY MR. THOMPSON:

12 Q. Agent Kary, I'm showing you Government Exhibit F-1b, and
13 this is -- the first one is a meal count form dated
14 July 2nd, 2020; is that right?

15 A. Yes, yes. Correct.

16 Q. And what's the site?

17 A. It's for the Mind Foundry site Lion's Park.

18 Q. Okay. And it look like 200 meals that day?

19 A. Correct.

20 Q. According to the meal counts? It's signed?

21 A. Yes.

22 Q. Recognize the signature?

23 A. I do.

24 Q. Whose signature is that?

25 A. Mr. Mohamed Ismail.

1 Q. I'm going to turn -- I'm going to scroll through this
2 page by page. Page -- Government Exhibit F-1b 2, 3.
3 There's -- here it's, starting at page 9, it looks like it's
4 called The Landing's/Lion's; is that right?

5 A. Correct.

6 Q. What's The Landing?

7 A. It's a site that we became familiar with during the
8 investigation.

9 Q. And where is The Landing?

10 A. Down in the Shakopee area.

11 Q. Is that -- it's a park, isn't it?

12 A. Correct.

13 Q. What kind of park is it?

14 A. It's kind of a historical, cultural park that a lot of
15 school students attend.

16 Q. Used to be called Murphy's Landing?

17 A. Correct.

18 Q. So there was a site there too?

19 A. Yes.

20 Q. Also doing 200 meals a day?

21 A. That's correct.

22 Q. In July of 2020?

23 A. Yes.

24 Q. And then looks like Samaha Islamic Center starting at
25 page 16 or 17 of F-1b is doing 400 meals a day in July 2020;

1 is that right?

2 A. That's what's reflected, yes.

3 Q. All right. I'd like to show you Government
4 Exhibit F-1c, which are the meal counts produced by PIN for
5 the month of August 2020; is that right?

6 A. Correct.

7 Q. And, again, that's for the sites related to Empire
8 Cuisine & Market? Correct?

9 A. Yes, correct.

10 MR. THOMPSON: Your Honor, I move to admit
11 Government Exhibit F-1c.

12 MR. ANDREW BIRRELL: No objection, Your Honor.

13 THE COURT: F-1c is admitted and may be published.

14 BY MR. THOMPSON:

15 Q. Agent Kary, I'm directing your attention to page 1 of
16 Government Exhibit F-1c. Can you tell me what this is?

17 A. This is a form with the heading from the Minnesota
18 Department of Education. The title of this is Meal Counts
19 Form-Clicker Counts.

20 Q. Okay. For which site is this?

21 A. This is for The Landing site again.

22 Q. Who is the site supervisor listed?

23 A. Mr. Abdiaziz Farah.

24 Q. And which meals?

25 A. Indication meal type as breakfast and lunch.

1 Q. Okay. And I'm just going to scroll through this exhibit
2 page by page. It looks similar to the other ones; is that
3 right?

4 A. It does.

5 Q. Generally about 150 or 200 meals a day?

6 A. Correct.

7 Q. At page 7 there's another -- this site doesn't even list
8 the name, I don't think. Empire Cuisine & Market site, is
9 that right here?

10 A. It's -- where it says Site and Supervisor Name, it
11 indicates Empire Cuisine & Market.

12 Q. This is page 9 of Government Exhibit F-1c?

13 A. Correct.

14 Q. And this is August 15th. How many meals does it -- is
15 it seeking reimbursement for a week in August of 2020?

16 A. The total for the week is 2800, 400 a day.

17 Q. And are there initials at the bottom?

18 A. There are.

19 Q. What are the initials?

20 A. AF.

21 Q. Okay. There's another site here starting on page 14 of
22 Government Exhibit F-1c; is that right?

23 A. Correct.

24 Q. What's this site called?

25 A. It's called Winfield.

1 Q. Who is the site supervisor?

2 A. It lists Mr. Abdiaziz F.

3 Q. And how many meals a day are being -- are reimbursements
4 being sought for?

5 A. Initially on Sunday 216, and then the remainder of the
6 week is 300 per day.

7 Q. Okay. There's more claims for The Landing and Samaha,
8 is that right, for this month?

9 A. That is correct.

10 Q. I'm going to direct your attention to Government
11 Exhibit F-1d, which is not yet in evidence.

12 Are these the meal count sheets for the Empire
13 related sites in the month of September 2020?

14 A. That's correct.

15 Q. Produced by Partners in Nutrition in response to a grand
16 jury subpoena?

17 A. Yes.

18 MR. THOMPSON: Your Honor, I would move to admit
19 Government Exhibit F-1d.

20 THE COURT: Any objection?

21 MR. ANDREW BIRRELL: I have a question I would
22 like to ask him, if I might, just to clarify.

23 This is for all the sites for Empire for that
24 month or this site?

25 THE WITNESS: This is for the month for what was

1 the grand jury response from Partners in Nutrition pursuant
2 to our subpoena.

3 They gave us the data. We sorted it based on
4 month for these. And it would indicate all of the sites
5 that we had a response to that's gathered into this exhibit,
6 which would be the month of September. It will flip through
7 from The Landing to other sites as well for the month of
8 September.

9 MR. ANDREW BIRRELL: Thank you.

10 I have no objection.

11 THE COURT: F-1d is admitted and may be published.

12 MR. THOMPSON: Thank you, Your Honor.

13 BY MR. THOMPSON:

14 Q. All right. Agent Kary, I'm showing you page 1 of
15 Government Exhibit F-1d. Do you see this?

16 A. I do.

17 Q. All right. And this looks like it's a meal count sheet
18 for September 6th of 2020?

19 A. Correct.

20 Q. For The Landing?

21 A. Yes.

22 Q. That's that site in Shakopee?

23 A. That's correct.

24 Q. How many meals a day this week, September 2020?

25 A. 300 starting on that Tuesday.

1 Q. And as I page through it, it looks like there's more
2 claims for The Landing?

3 A. Correct.

4 Q. And then starting on page 5, there's claims for Samaha
5 Islamic Center; is that correct?

6 A. Yes.

7 Q. How many meals a day there?

8 A. Looks like between -- well, some are 400 and some are
9 450.

10 Q. Some of these are in October of 2020; is that right?

11 A. Correct.

12 Q. Here we have, starting on page 12, it looks like there's
13 meal count sheets that are signed and initialed, is that
14 right, for the week of October 11th?

15 A. Correct.

16 Q. 2020. Who's the initial?

17 A. AF.

18 Q. And at the top is there any information about the site
19 or --

20 A. There is not.

21 Q. The meal counts are listed.

22 A. Correct.

23 Q. It looks like page 11 of Government Exhibit F-1d is the
24 same; is that right?

25 A. Yes.

1 Q. Page 13?

2 A. Correct. It's similar that the sponsor name and site is
3 blank.

4 Q. The number of meals are entered?

5 A. Correct.

6 Q. The date is entered?

7 A. Yes.

8 Q. But no site?

9 A. Correct.

10 Q. Page 14, the same thing?

11 A. That's correct.

12 Q. Page -- this one is hard to read. Page 15. It looks
13 like Samaha, is that right, or -- oh, Clifton Townhomes; is
14 that right?

15 A. It appears to be the Clifton Townhomes/Samaha.

16 Q. And Empire partnerships, is that what it says?

17 A. It appears to, yes.

18 Q. And who is listed -- whose initials appear on there?

19 A. Initials AF.

20 Q. And those are the initials of the person taking daily
21 meal count, certifying that the information is true and
22 correct?

23 A. That's, yes, that's what the form indicates.

24 Q. Okay. And it's signed as well by the site supervisor?

25 A. Correct.

1 Q. All right. Page 16, another meal count. Is it
2 initialed by AF, Abdiaziz Farah?

3 A. Correct.

4 Q. Meal counts are entered?

5 A. That is correct.

6 Q. Is the site information entered?

7 A. It is not.

8 Q. How about page 17 of Government Exhibit F-1d?

9 A. Similar to no site or supervisor name.

10 Q. Same -- same phone number. Page 18.

11 A. Correct, similar. It has meal counts, but no indication
12 of the site or the supervisor name.

13 Q. The initials are on there, though?

14 A. Correct.

15 Q. Whose initials?

16 A. AF.

17 Q. And whose initials are those?

18 A. Mr. Abdiaziz Farah.

19 Q. Here on page 20 of Government Exhibit F-1d there's a
20 meal count form for Empire Cuisine & Market; is that right?

21 A. Correct.

22 Q. For a week -- I guess it's part of a week, October 1st
23 to October 3rd; is that right?

24 A. Yes.

25 Q. How many meals a day are being claimed?

1 A. 520 per day.

2 Q. And Mr. Abdiaziz Farah's signature appears -- or
3 initials are on there?

4 A. Correct.

5 Q. And those numbers continue on here, page 21 and page 22
6 of this exhibit?

7 A. Yes.

8 Q. Similar numbers?

9 A. Correct.

10 Q. And then we got some more meal count forms for The
11 Landing site?

12 A. Yes.

13 Q. Whose initials appear on these?

14 A. MI.

15 Q. All right. Then on page 31 there's another site here
16 for which the group submitted claims for reimbursement to
17 Partners in Nutrition; is that right?

18 A. Correct.

19 Q. Which site is this?

20 A. Winfield Townhomes.

21 Q. Okay. And could you describe the nature of the count
22 form here dated October 10th of 2020?

23 A. Sure. It has, again, meal count numbers of 520 to 450,
24 for a total of 3430 and, again, the same initials and
25 signature.

1 Q. That was 500 a day throughout the month of October?

2 A. Correct.

3 Q. At the Winfield Townhome site?

4 A. Yes.

5 Q. Another one here starting on page 39 and 40 -- sorry --
6 40 of Government Exhibit F-1d. This is another site,
7 correct?

8 A. Yes. The Albright Townhomes.

9 Q. Okay. And it looks like the same. Abdiaziz Farah also
10 initialed and signed this one?

11 A. It appears that way, yes.

12 Q. And just paging through here, what are the -- what
13 amount of meals are -- is he claiming or seeking
14 reimbursement for serving to kids in October of 2020 at
15 Albright Townhomes?

16 A. 150 per day for a total of 1,050.

17 Q. Then it looks here starting on page 46 there's more --
18 another series of forms signed and initialed and filled out,
19 but without a site name; is that correct?

20 A. Correct.

21 Q. Can you describe that just generally?

22 A. Generally, it's another -- the weeks in October where
23 the site and supervisor name is blank, and then the meal
24 counts are indicated with the initials of AF and the same
25 signature.

1 Q. Page through here. This exhibit continues on for quite
2 some time; is that right?

3 A. Yes.

4 Q. More claims for Empire in page 55 through 59 or so; is
5 that right?

6 A. Yes.

7 Q. Samaha Center at page 60 and 61?

8 A. Correct.

9 Q. All right. So it sounds like -- is there a trend from
10 the spring of April of 2020 when it started -- this is into
11 September, October of 2020?

12 A. Yes.

13 Q. Generally, what's the trend in terms of number of sites?

14 A. Increasing number of sites and an increasing number of
15 meal counts submitted.

16 Q. Increasing, but not dramatically so necessarily?

17 A. Correct.

18 Q. I'm going to show you now what's been marked, but not
19 admitted, as Government Exhibit F-1e.

20 And, Agent Kary, is Government Exhibit F-1e more
21 meal counts that relate to Empire sites?

22 A. Correct. And it looks like starting in November of
23 2020.

24 Q. These are for the month of November 2020?

25 A. Correct.

1 Q. And these are produced by Partners in Nutrition pursuant
2 to a grand jury subpoena?

3 A. That's correct.

4 MR. THOMPSON: Your Honor, I would move to admit
5 Government Exhibit F-1e.

6 MR. ANDREW BIRRELL: No objection, Your Honor.

7 THE COURT: F-1e is admitted and may be published.

8 BY MR. THOMPSON:

9 Q. Agent Kary, can you describe the first page of F-1e?

10 A. Again, similar meal count form. And on that meal count
11 form for the first week of November, on November 1st through
12 November 7th, for the meal type of breakfast and lunch. And
13 the meal counts starting on Sunday at 450, then moving to
14 550 per day and then back to 500 to a total of 3600 for the
15 week. And the same initials of Mr. Abdiaziz Farah with his
16 signature.

17 Q. As the site supervisor?

18 A. Correct.

19 Q. All right. On page 2, more Samaha Islamic Center?

20 A. Correct.

21 Q. 500 or 550 meals a day?

22 A. Yes.

23 Q. Here at page 6 it was -- there was another site called
24 Faribault site 4, Autumn Spring. Is that --

25 A. Correct.

1 Q. Is that another site related to Empire Cuisine & Market?

2 A. Yes.

3 Q. And starting in October -- or November 7, 2020, what are
4 the nature of the meal claims being -- reimbursement being
5 sought?

6 A. For that site for Faribault, 250 meal count per day,
7 consistent to 1750 for the total for the week. And it
8 appears to be Mr. Abdiaziz Farah's signature as site
9 supervisor.

10 Q. And that's down in Faribault, Minnesota?

11 A. Correct.

12 Q. All right. I'm going to skip ahead a few pages to
13 page 11 of Government Exhibit F-1e. Is this another -- or
14 meal count forms for another site?

15 A. Correct.

16 Q. What site is that?

17 A. Clifton Townhomes.

18 Q. Okay. And this is the week of November 1st through 7th
19 of 2020?

20 A. Yes.

21 Q. And can you describe the claims, generally?

22 A. Again, for meal type of breakfast and lunch, and in
23 general 450 to 400 per day for a total for the week of 2800.

24 Q. And who initialed and signed this form certifying that
25 the information is true and accurate?

1 A. Mr. Abdiaziz Farah.

2 Q. This continues -- it actually goes up later in the
3 month; is that right?

4 A. It does.

5 Q. There's a couple days of 648 meals and kids on page 13
6 of Government Exhibit F-1e?

7 A. Correct, for Clifton, yes.

8 Q. It looks like there's another series of meal counts that
9 are produced, but don't have all the information filled out;
10 is that correct?

11 A. Correct.

12 Q. They're signed and initialed, but not dated, and there's
13 no site; is that correct?

14 A. Correct.

15 Q. And this is page 19 of the exhibit?

16 A. Yes.

17 Q. We looked at one Faribault site. Here's another one on
18 page 21. It's called Faribault Site 1, 901 Greenwood Place.
19 Are you familiar with that?

20 A. Yes.

21 Q. That's another site related to Empire?

22 A. Correct.

23 Q. What are the meal counts sheet here on page 21 say?

24 A. Again, they indicate meal type of breakfast and lunch,
25 and meal counts are consistent throughout the week at 250

1 per day for a total of 1750 for the week.

2 Q. And who initialed and signed certifying that that
3 information was true and accurate?

4 A. Appears to me Mr. Abdiaziz Farah.

5 Q. There's a bunch more here that are filled out, but not
6 completely; is that right?

7 A. Correct.

8 Q. Here's a site called The Landing/Lion's and Taylor
9 Partnerships; is that right?

10 A. Correct.

11 Q. 250 a day?

12 A. Yes.

13 Q. November 1st through 7th?

14 A. That's correct.

15 Q. Faribault Site 3?

16 A. Correct.

17 Q. And what's -- is this a third site in Faribault,
18 Minnesota?

19 A. Yes.

20 Q. And what's this one called?

21 A. Lifestyle Apartments.

22 Q. These are hard to read. Winfield Townhomes at page 46?

23 A. Correct.

24 Q. What are the claims for that site the week of
25 November 1st through 7th of 2020?

1 A. The claims, again, indicate the meal type of breakfast
2 and lunch for either 500 or 520 per day for a total of 3560
3 for the week. The initials are different at the bottom
4 indicating KA. And the signature again appears to be
5 Mr. Abdiaziz Farah's signature.

6 Q. On page 63, in the 60s here, I guess, there's additional
7 ones that are typed out, correct?

8 A. Correct.

9 Q. Can you describe those briefly?

10 A. For the site and the supervisor name, it says Landing.
11 And the typed out meal counts indicate 168 per day for a
12 total of 1,176 meals.

13 Q. Okay. Great. All right, so we're looking at November
14 of 2020; is that right?

15 A. Correct.

16 Q. You also got additional meal counts for different months
17 going forward through the end of 2020 and into 2021; is that
18 right?

19 A. Yes.

20 Q. I want to keep going through them here. I know it's
21 painstaking, but we have to do it.

22 F-1f, Government Exhibit F-1f I'm going to show
23 you.

24 And this largely consists of -- some of these are
25 out, but mostly consists of meal counts from December of

1 2020; is that right?

2 A. Correct.

3 Q. And, again, these were produced by Partners in
4 Nutrition?

5 A. That's correct.

6 Q. Pursuant to grand jury subpoena?

7 A. Yes.

8 MR. THOMPSON: Your Honor, I'd move to admit
9 Government Exhibit F-1f.

10 THE COURT: Any objection?

11 (Counsel confer)

12 MR. ANDREW BIRRELL: Okay. Thanks. No objection.

13 THE COURT: F-1f is admitted and may be published.

14 BY MR. THOMPSON:

15 Q. All right. Agent Kary, this is December 2020; is that
16 right?

17 A. That's correct.

18 Q. We talked about the trends earlier. Towards the end of
19 2020 and into 2021, do you see some additional changes in
20 terms of the number of sites and amount of meals claimed for
21 reimbursement by Empire-related sites?

22 A. Yes.

23 Q. Could you describe those?

24 A. Again, the trends are more and more sites are appearing,
25 and the meal counts and numbers keep increasing.

1 Q. How significant is the increase at this point?

2 A. Looks like from the very beginning, it's looking like
3 it's at least tripled.

4 Q. Here at the Samaha site?

5 A. Correct.

6 Q. Okay. And this is at page 10 of Government
7 Exhibit F-1f?

8 A. Correct.

9 Q. That one's gone up considerably. It looks like it's
10 1250 meals a day; is that correct?

11 A. Correct.

12 Q. Same signature we've seen before it looks like?

13 A. Correct.

14 Q. There's other sites that continue this month; is that
15 right?

16 A. Yes.

17 Q. Page 11 is Samaha again, in December 1250 a day,
18 December 13th through 19th; is that right?

19 A. Yes.

20 Q. And the bottom of this page, the week of December 20th
21 through December 26th, how many meals a day are claimed for
22 reimbursement?

23 A. 1250 per day.

24 Q. And the week of -- the last half a week of the year,
25 from December 27th through New Year's Eve.

1 A. Correct.

2 Q. Same thing?

3 A. Yes.

4 Q. Starting at page 13 there's another site, The Crossing
5 at Valley View; is that right?

6 A. Correct.

7 Q. Are there claims for -- submitted for reimbursement for
8 this site in December of 2020?

9 A. Yes.

10 Q. And how many a day?

11 A. It looks like it starts with 200 a day consistently.

12 Q. The week of December 13th?

13 A. Moved up to 250 per day.

14 Q. And through the end of the year 250 a day consistently?

15 A. Correct.

16 Q. And then starting on page 16 of Government Exhibit F-1f
17 are the meal counts for the Lion's site in Shakopee?

18 A. Yes.

19 Q. And this is starting on December 1st, 2020. Could you
20 describe the meals, meal counts submitted?

21 A. Yes. Again, similar breakfast and lunch. It's
22 indicated on the form. And then Tuesday through Saturday
23 for the beginning of the month, 210 per day for a total of
24 1,050 for the week.

25 Q. And those continued through the month, consistently

1 through the month of December 2020; is that right?

2 A. Correct.

3 Q. All right. Starting on page 19, there's meal counts for
4 another site for the month of December 2020; is that right?

5 A. Correct.

6 Q. Which site is this?

7 A. Autumn Holdings.

8 Q. Okay. And what -- could you describe meal counts for
9 Autumn Holdings site?

10 A. That, again, starting with the beginning of the month
11 there on Tuesday, 200 a day consistently for a thousand for
12 that first week.

13 And then going into the second week there,
14 December 6th through the 12th, 200 consistently every day.

15 Q. Okay. And on page 20 it looks like it's gone up for the
16 second week of December. The week of December 13th it's 250
17 a day; is that right?

18 A. Correct.

19 Q. It looks like that continues the rest of the month of
20 December 2020?

21 A. Correct.

22 Q. On page 22 of Government Exhibit F-1f are the meal
23 counts, the start of the meal counts for December 2020 at
24 the Clifton Townhomes site; is that right?

25 A. Yes.

1 Q. And can you describe those for us?

2 A. Again, starting the beginning of the month with 500, and
3 it stays consistent, looks like all the way through the 12th
4 for that second week and also in that third week.

5 Q. This is page 23?

6 A. Correct.

7 Q. So 500 meals a day for every day for the month of
8 December?

9 A. Yes.

10 Q. All right. Page 25 is meal counts for another site.
11 Are you familiar with this site?

12 A. The As-Sunnah site, yes.

13 Q. How are you familiar with it?

14 A. From the investigation, another site that was operated
15 or vended by Empire Cuisine & Market.

16 Q. And can you tell me about the meal counts for the
17 As-Sunnah site in December 2020?

18 A. They're around 1500 meals, breakfast and lunch per day,
19 pretty consistently with the exception of that Sunday with
20 1450.

21 Q. Okay. It keeps going through the end of the month?

22 A. Correct.

23 Q. All right. On page 27, the Four Seasons Apartments, 300
24 a day; is that right?

25 A. Correct.

1 Q. In December. Goes up to 350 December 13th?

2 A. That's correct.

3 Q. For the rest of the month.

4 A. Yes, for the rest of the month, correct.

5 Q. The same site supervisor signature for every one?

6 A. Correct. Some of them were blank, but for the most part
7 when there's a signature at this time, it's the same
8 signature, yes.

9 Q. Page 30 of Government Exhibit F-1f are the meal counts,
10 December 2020 meal counts, for the Greenwood Apartment site;
11 is that right?

12 A. Yes.

13 Q. And can you tell us about these?

14 A. Again, similar with the breakfast and lunch, and it
15 looks consistent with the 250 claimed per day each day all
16 the way through the 12th, and then through the 19th of
17 December 2020, and then for the entire month consistently at
18 250 per day at the Greenwood Apartments.

19 Q. Keep paging through here. Heritage Hills Apartment
20 site, is that right, 250 a day?

21 A. Correct.

22 Q. Highland Apartments by Townhouse, 250 a day?

23 A. That's correct.

24 Q. The Landing, 210 a day?

25 A. Correct.

1 Q. Lifestyle, Inc. Apartments, that's down in Faribault?

2 A. Correct.

3 Q. 300 a day?

4 A. Yes, and then it moves up to 350.

5 Q. Valley View Park, 200 a day?

6 A. Correct.

7 Q. Winfield Townhomes, that one looks like it's gone up in
8 December 2020.

9 A. Correct.

10 Q. What are the meal counts here on page 55 for the week of
11 December 13th through 19, 2020?

12 A. The meal counts start with 910 per day and then go to
13 890 per day for 16 -- 6270 for that first week. And then
14 also the same total for the next week. And the last week in
15 December as well?

16 Q. Then at page 57 starts Autumn Holdings Apartments?

17 A. Correct.

18 Q. The Landing again.

19 A. That's correct.

20 Q. All right. I'm going to show you Government
21 Exhibit F-1g. Are these the meal counts for the month of
22 January 2021 for sites related to Empire?

23 A. Yes.

24 Q. And these were produced by Partners in Nutrition
25 pursuant to grand jury subpoena?

1 A. Yes.

2 Q. All right.

3 MR. THOMPSON: Permission to publish -- oh, sorry.
4 I would move to admit Government Exhibit F-1g.

5 THE COURT: Any objection?

6 MR. ANDREW BIRRELL: No objection.

7 THE COURT: F-1g is admitted and may be published.

8 BY MR. THOMPSON:

9 Q. Agent Kary, I'll direct your attention to the first page
10 of Government Exhibit F-1g. Could you describe that? This
11 is another meal count sheet; is that right?

12 A. Correct.

13 Q. And which site is this?

14 A. Al-Ihsan.

15 Q. And what are the nature of the meal counts being claimed
16 here in January of 2021?

17 A. There's no meal type indicated. However, the meal
18 received/prepared is 800 even each day for a total of 5600
19 for that week.

20 Q. Page through here. Page 2, 3, 4. I see similar counts
21 the rest of the month of January for that site?

22 A. Yes.

23 Q. And at page 5 there's another site 1501 Broadway; is
24 that right?

25 A. Yes.

1 Q. Okay. And that's 500 a day?

2 A. Correct.

3 Q. Okay. I'll skip ahead here to page 8.

4 On page 8 there's another site here; is that
5 right?

6 A. Correct.

7 Q. And what's the site listed here?

8 A. Dar Al-Farooq.

9 Q. What's -- are you familiar with the Dar Al-Farooq site?

10 A. Yes.

11 Q. How so?

12 A. To -- again, another site that was operated and vended
13 by Empire Cuisine & Market, location in Bloomington,
14 Minnesota.

15 Q. Okay. And these meal counts, these were produced by
16 Partners in Nutrition, but was Dar Al-Farooq actually
17 sponsored by a different sponsor?

18 A. Yes.

19 Q. Which sponsor?

20 A. Feeding Our Future.

21 Q. And what are the -- what are the number of meals claimed
22 for reimbursement at the Dar Al-Farooq site in the first
23 week of January 2021?

24 A. 2,000 per day for the week.

25 Q. Directing your attention to page 11. There's a meal

1 count form that's not signed for Faribault; is that right?

2 A. Yes.

3 Q. Looks like potentially two sites combined here.

4 A. It appears that way, yes.

5 Q. Would you describe the number of meals being claimed for
6 reimbursement here in Faribault the first week of
7 January 2021?

8 A. It looks like a consistent 1,064 per day for a total of
9 7,448 for the week.

10 Q. And that continues throughout the month of January 2021?

11 A. It appears that way, yes.

12 Q. Pages 12 and 13. There's a site in St. Peter,
13 Minnesota, on page 14?

14 A. Correct.

15 Q. 500 meals a day?

16 A. Yes.

17 Q. Lake Street, 500 meals a day?

18 A. Correct.

19 Q. Then there's a site, a Mind Foundry site here in Apple
20 Valley. Can you tell me about this? This is on page 20 of
21 Government Exhibit F-1g.

22 A. Again, meal counts of 1,000 per day for a total of 6,000
23 for that first week, looks like February 1st through the
24 6th. So the first six days of February. And the indication
25 at the top in handwriting is Scott Park.

1 Q. And it says one -- number of meals received and prepared
2 1,000 a day and number of first meals served to children
3 1,000 a day; is that right?

4 A. Correct.

5 Q. Who signed -- and this is the Apple Valley -- or this is
6 a site in Apple Valley?

7 A. Yes.

8 Q. In handwriting it says Scott Park. Are you familiar
9 with that?

10 A. Yes.

11 Q. How so?

12 A. Scott Park is a location in Apple Valley right next to a
13 Holiday Gas Station. I happen to know the area.

14 Q. How do you know the area?

15 A. From living in the south metro.

16 Q. Okay. Who is the site -- site supervisor here that
17 signed this one?

18 A. Abdimajid Nur.

19 Q. And that looks like it might be an e-signature?

20 A. It appears that way, yes.

21 Q. Are you familiar with that electronic signature from the
22 investigation?

23 A. Yes.

24 Q. How so?

25 A. From conducting an email search warrant of his email

1 account and discovering documents on his Google drive that
2 has that signature on them.

3 Q. And do you see a lot on meal count forms that we're
4 going to get to here later?

5 A. Yes.

6 Q. Including the second week of February 2021 at the Apple
7 Valley site?

8 A. Correct.

9 Q. How many a day?

10 A. 1,000 per day.

11 Q. Okay. Turning your attention to page 21, there's more
12 meal count sheets for the second -- the latter half of
13 February at Apple Valley; is that right?

14 A. Correct.

15 Q. How many meals is Mind Foundry and Abdimajid Nur
16 claiming for reimbursement in the second two weeks of
17 February 2021 at the Apple Valley site?

18 A. 7,000 for that week.

19 Q. 1,000 a day?

20 A. Correct.

21 Q. Same with the next week?

22 A. Yes.

23 Q. And the last day, the 28th of February, same?

24 A. Yep, the last day, yes.

25 Q. All right. We've heard a little bit about Tot Park with

1 Ms. Honer on the stand; is that right?

2 A. Yes.

3 Q. On page 23 of Government Exhibit F-1g is meal counts for
4 that Tot Park site; is that right?

5 A. Yes.

6 Q. It looks like for the last week of January 2021; is that
7 right?

8 A. Yes.

9 Q. How many meals are being claimed for reimbursement at
10 Tot Park?

11 A. 500 per day.

12 Q. Scroll through here a little bit. St. Peter again.

13 On page 29 there's more meal counts related to the
14 Dar Al-Farooq site; is that right?

15 A. Correct.

16 Q. Again, 2,000 a day?

17 A. Yes.

18 Q. And that continues throughout the month of January 2021?

19 A. It does.

20 Q. Here at page 38, meal counts related to a site called
21 Heather Court. Are you familiar with that site?

22 A. Yes.

23 Q. How so?

24 A. Again, another site operated under the nonprofit
25 ThinkTechAct/Mind Foundry and again, similar, a vendor of

1 Empire Cuisine & Market.

2 Q. Page 40 there's meal counts for a site. It says Cedar
3 Run crossed off, and then it says Parkview; is that right?

4 A. Yes.

5 Q. Are you familiar with that?

6 A. Yes, I'm familiar with it. There were a lot of sites.
7 I'm not as familiar with this site.

8 Q. Okay. But 500 a day?

9 A. Correct.

10 Q. Here on page 42 there's meal counts related to a site
11 called St. Cloud in January 2021?

12 A. Yes.

13 Q. How many meals a day are being claimed here?

14 A. They're claiming a lunch and snack, which is indicated
15 with the meal type, and they're claiming 1500 per day for a
16 total of 10,500 for the week of January 17th through January
17 23rd.

18 Q. Page 43 there's a site called Plymouth. What are the
19 meal counts here the last week of January 2021 for the
20 Plymouth site?

21 A. The Plymouth site indicates 500 per day all the way
22 through consistently for the week.

23 Q. Okay. Page 48 there's Four Seasons Apartment claims; is
24 that right?

25 A. Correct.

1 Q. And tell me about those.

2 A. The meal type indicated is breakfast and lunch and a
3 consistent 350 meals per day each and every day for a total
4 of 2450 for the week and signed with the signature of
5 Mr. Abdiaziz Farah.

6 Q. Autumn Holdings. I think we talked about that site
7 before, is that right, here at page 56?

8 A. Correct, the site in Faribault.

9 Q. And then here As-Sunnah on page 60. What are the meal
10 count claims for this week in January 2021 for the As-Sunnah
11 site?

12 A. Again, the meal type this time is breakfast and lunch
13 for 2,000, consistent all the way through the week, for a
14 total of 14,000 meals claimed for the week.

15 Q. And that continues for the entire month of January 2021?

16 A. Yes.

17 Q. Page 66 are meal count forms for a site called -- this
18 is the Clifton Townhome site; is that right?

19 A. Yes.

20 Q. And what are -- what's the number of meals
21 reimbursements being sought?

22 A. 450 per day.

23 Q. And that continues throughout the month; is that right?

24 A. Yes.

25 Q. Let's skip a few here. Greenwood. We talked about that

1 one before; is that right?

2 A. Correct.

3 Q. It looks like it's January. It's 250 meals a day?

4 A. Yes.

5 Q. Heritage. Is that another site?

6 A. It is another site, yes.

7 Q. Are you as familiar with that one?

8 A. Not as familiar, but again, it's another site that was
9 vended by Empire Cuisine & Market.

10 Q. 250 a day?

11 A. Correct.

12 Q. Lifestyle. Are those apartments down -- was that
13 Owatonna or Faribault?

14 A. I believe that was Faribault.

15 MR. GOETZ: Your Honor, could we please get page
16 references just for the record?

17 MR. THOMPSON: Sorry. This is page 104,
18 Government Exhibit F-1g.

19 BY MR. THOMPSON:

20 Q. 350 a day in January here 2021?

21 A. Correct.

22 Q. Continuing here later in the month?

23 A. Correct.

24 Q. Okay. We talked about a Winfield site; is that right?

25 A. Yes.

1 Q. I'm showing you at page 114 of Government Exhibit F-1g
2 meal counts for another week in January 2021 for the
3 Winfield site; is that right?

4 A. Correct.

5 Q. How many meals are being -- reimbursements are being
6 claimed?

7 A. 1,000 per day for 7,000 for the week.

8 Q. And does that continue throughout the month of
9 January 2021?

10 A. Yes.

11 Q. Autumn Holdings is here at page 121, January 2021. How
12 many meals for that week?

13 A. For the week total, 2,100.

14 Q. 300 a day?

15 A. Correct.

16 Q. Okay. Page 126 of Government Exhibit F-1g. That's that
17 original Samaha Islamic Center site, correct?

18 A. Correct.

19 Q. I think it started out at a couple, 300 a day back in
20 April 2020?

21 A. Yes. I believe the first claims were around 200, 240.

22 Q. In January -- this week of January 2021, what are the
23 claims?

24 A. 1250 per day.

25 Q. Does that continue throughout the month, as I page

1 through pages 127 and 128, 129?

2 A. Yes.

3 Q. Okay. All right. Government Exhibit F-1h. Are those
4 the meal counts for the Empire-related sites that were
5 produced by Partners in Nutrition for the month of
6 February 2021?

7 A. They are.

8 Q. And are those produced in response to a grand jury
9 subpoena?

10 A. Yes.

11 Q. That was served during the course of the investigation?

12 A. Correct.

13 MR. THOMPSON: Your Honor, I would move to admit
14 Government Exhibit F-1h.

15 THE COURT: Any objection?

16 MR. ANDREW BIRRELL: No objection.

17 THE COURT: F-1h is admitted and may be published.

18 MR. THOMPSON: Thank you, Your Honor.

19 BY MR. THOMPSON:

20 Q. Agent Kary, starting at page 1 here, these are claims
21 for the week of February 1st through February 6, 2021; is
22 that right?

23 A. Yes.

24 Q. What's the site?

25 A. 1501 Broadway.

1 Q. And how many meals are claimed for reimbursement for the
2 day and -- or for the week, I should say?

3 A. For the week the total is 4800.

4 Q. There's a daily breakdown; is that correct?

5 A. Correct.

6 Q. What's that?

7 A. 800 per day.

8 Q. And who signed as the site supervisor for this 1501
9 Broadway site?

10 A. Mr. Abdimajid Nur.

11 Q. The next week -- the bottom of this page, page 1, is the
12 following week's claims for 1501 Broadway. Could you
13 describe those briefly?

14 A. Yes. The claims are a thousand per day, so it moved up
15 from 800 to a thousand, and a total of 7,000 for the week.
16 And the signature of site supervisor is again Mr. Abdimajid
17 Nur.

18 Q. Okay. I'm going to skip down to page 5 of this exhibit.
19 Are these meal counts for the Apple Valley site?

20 A. Correct.

21 Q. And the week of February 1st through 6 of 2021?

22 A. Yes.

23 Q. Could you describe those?

24 A. Consistent at a thousand per day starting on that
25 Monday, so 6,000 total for the week, again signed by

1 Mr. Abdimajid Nur.

2 Q. At the bottom of page 5 is a -- the meal counts for that
3 site for the following week, February 7th; is that right?

4 A. Yes.

5 Q. How many meals for the week and day?

6 A. A thousand per day for 7,000 for the week.

7 Q. And, again, Abdimajid Nur signed as the site supervisor?

8 A. Yes.

9 Q. Page 7 of Government Exhibit F-1h are meal counts for
10 one of the other sites we talked about earlier, Cedar Run at
11 Owatonna; is that right?

12 A. Yes.

13 Q. And what are the meal counts here?

14 A. They moved up to 750 per day for that first week, a
15 total of 4500 for the week.

16 Q. And who signed as the site supervisor?

17 A. Mr. Nur, Abdimajid Nur.

18 Q. How about -- the bottom of page 7 is counts for that
19 same site; is that right?

20 A. Correct.

21 Q. For the following week?

22 A. Yes.

23 Q. And same 750 per day for 5,250 for the week?

24 A. Correct.

25 Q. Signed by Abdimajid Nur?

1 A. Yes.

2 Q. At page 9 of Government Exhibit F-1h are the -- are meal
3 counts for the Dar Al-Farooq site for the first week of
4 February 2021; is that right?

5 A. Correct.

6 Q. And what -- what do we see here?

7 A. See meal counts of -- per day starting that Monday, that
8 first day of February 1st, 2021, of 3500 meals per day, for
9 a total of 21,000 meals for that first week in February.

10 Q. Who signed as the site supervisor?

11 A. Mr. Abdimajid Nur.

12 Q. And then the bottom of that page, page 9, is the meal
13 counts for that Dar Al-Farooq site the week of February 7th,
14 2013; is that right?

15 A. Yes.

16 Q. And who -- what -- another 3500 a day for a total of
17 24,500 meals for the week?

18 A. Correct.

19 Q. At that site?

20 A. Yes.

21 Q. And signed by Abdimajid Nur?

22 A. Yes.

23 Q. And that Dar Al-Farooq site, do you know where that's
24 located?

25 A. Yes.

1 Q. Where?

2 A. In Bloomington.

3 Q. Okay. Page 11 is additional meal counts for the first
4 week of February 2021. The Parkview site in Owatonna; is
5 that right?

6 A. Yes.

7 Q. Another one you're familiar with?

8 A. Correct.

9 Q. How many meals per day and week this first week of
10 February 2021 in Parkview site in Owatonna?

11 A. 750 per day for a total of 4500 for the week.

12 Q. Who signed as the site supervisor?

13 A. Mr. Abdimajid Nur.

14 Q. Does that continue the following week on the bottom of
15 that page?

16 A. It does.

17 Q. More meal counts, the same average daily number of
18 meals?

19 A. Yes.

20 Q. Signed by Abdimajid Nur?

21 A. Yes.

22 Q. Moving on from Owatonna. Page 13 is meal count --
23 weekly consolidated meal counts for a site -- a Mind Foundry
24 site in Plymouth, Minnesota; is that right?

25 A. Well, it says Plymouth, yes; but that Plymouth location

1 being familiar with the investigation is actually in
2 Minneapolis.

3 Q. On Plymouth Avenue?

4 A. Correct.

5 Q. And could you describe generally where that is?

6 A. It's not too far away from here, but it's in -- I guess
7 North Minneapolis on Plymouth Avenue.

8 Q. Okay. Abdimajid Nur signed these meal counts, correct?

9 A. Correct.

10 Q. And how many meals was he claiming reimbursement for in
11 the week of February 1st, 2021, for the Plymouth site?

12 A. 2,000 per day.

13 Q. And does his signature appear, his e-signature appear on
14 similar meal counts for that second week of February 2021?

15 A. Yes.

16 Q. At the Plymouth site?

17 A. Correct.

18 Q. 14,000 total meals, 2,000 a day?

19 A. Correct.

20 Q. All right. We got page 15, Sharing and Caring site,
21 Abdimajid Nur?

22 A. Mr. Nur does sign the form for 500 a day for a total of
23 3,000 for that week.

24 Q. And at the bottom of that page 15, 500 more a day, 3500
25 for the week of February 7th, 2013 (sic)?

1 A. Correct.

2 Q. Signed by Abdimajid Nur?

3 A. Yes.

4 Q. Page 17 is the week of February 14th, 2020, here, this
5 site 1501 Broadway?

6 A. Correct.

7 Q. Could you describe the meals that they claim
8 reimbursement for?

9 A. 800 per day for -- consistent throughout the entire week
10 for a total of 5600 for the week.

11 Q. And who signed as the site supervisor?

12 A. Mr. Abdimajid Nur.

13 Q. You have similar ones for the third week of February
14 2021 at the 1501 Broadway site?

15 A. Correct.

16 Q. 800 a day?

17 A. Yes.

18 Q. And on page 19, similarly -- those are actually the
19 same.

20 Page 21, claims for the Apple Valley site for the
21 weeks of February 14th, 2021; is that right?

22 A. Yes.

23 Q. How many meals reimbursements are claimed at that site
24 that week?

25 A. 1,000 every day, for a total of 7,000.

1 Q. At the Apple Valley site?

2 A. Correct.

3 Q. Mind Foundry site?

4 A. Yes.

5 Q. And who signed as a site supervisor?

6 A. Mr. Abdimajid Nur.

7 Q. On the bottom of that page 21, same thing for the
8 following week, February 21st of 2021?

9 A. Correct.

10 Q. 7,000 meals, a thousand a day, in Apple Valley, signed
11 by Abdimajid Nur?

12 A. That's correct.

13 Q. Page 23 is weekly consolidated meal counts for a site in
14 Owatonna; is that right?

15 A. Yes.

16 Q. Cedar Run?

17 A. Correct.

18 Q. I think we talked about that earlier; is that right?

19 A. Correct.

20 Q. A Mind Foundry site?

21 A. Yes.

22 Q. What kind of reimbursements were claimed, submitted to
23 MDE for that week of February 14th, 2021, at Cedar Run in
24 Owatonna?

25 A. 750 per day, every day consistent, for a total of 5,250

1 meals for the week.

2 Q. And who signed as a site supervisor?

3 A. Mr. Abdimajid Nur.

4 Q. He did the same for the following week at that site?

5 A. Correct.

6 Q. I think we may have seen these ones, but Dar Al-Farooq
7 sites for February 2021?

8 A. Correct.

9 Q. Signed as a site supervisor by Abdimajid Nur?

10 A. Yes.

11 Q. 3500 a day?

12 A. Correct.

13 Q. Week of February 14th and the week of February 21st?

14 A. Yes.

15 Q. And we're on page 33. Woodbridge site in Owatonna. Is
16 that another Owatonna site?

17 A. Correct.

18 Q. Who signed these ones?

19 A. Mr. Abdimajid Nur.

20 Q. And how many meals was he claiming reimbursement for at
21 the Woodbridge site in Owatonna?

22 A. 750 per day, for a total of 5,250 for the week.

23 Q. Is that the same thing the next week, February 21st,
24 2021?

25 A. Yes.

1 Q. Just kind of keep going through this exhibit, is that
2 right, week by week, site by site?

3 A. That's correct.

4 Q. Similar numbers every day and week; is that right?

5 A. Correct. Some of these become blank at some point, then
6 they go back to numbers again.

7 Q. Here there's some that are hand signed; is that right?

8 A. Yes.

9 Q. We're at page 55 of Government Exhibit F-1h; is that
10 right?

11 A. Correct.

12 Q. And this is another Faribault site, Autumn Holdings?

13 A. Yes.

14 Q. And can you describe this meal count for the week of
15 February 1st, 2021?

16 A. This meal count indicates meal type of breakfast and
17 lunch, 300 a day, starting on that Monday, February 1st,
18 consistent for the week of 300, rounding at the week for
19 1800 for that week.

20 Q. Okay. It looks like the following week, similar numbers
21 there?

22 A. Correct. For a total for the week of 2100 meals.

23 Q. And then page 56 is the following week's, February 14th
24 and February 21st, 2021, at the Autumn Holdings site?

25 A. Correct.

1 Q. 300 a day.

2 Page 58 is a meal count for the As-Sunnah site; is
3 that right?

4 A. Correct.

5 Q. For that first week of February 2021?

6 A. Yes.

7 Q. Can you describe the meal counts submitted for
8 reimbursement for this week?

9 A. 2,000 per day starting on the first of the month,
10 consistent for that entire week, ending on the 6th, for a
11 total of 12,000 for that month.

12 Q. It looks like there was a sticky note on that; is that
13 right?

14 A. It appears that way, yes.

15 Q. And what does it say?

16 A. "Empire summer meals." And I said "month." I meant to
17 say "week."

18 Q. For the total number of meals there?

19 A. Yes.

20 Q. Okay. And then bottom of page 58 here, more meal counts
21 for the following week, February 7th of 2021?

22 A. Yes.

23 Q. For the As-Sunnah site?

24 A. Yes.

25 Q. Again, 2,000 a day?

1 A. Correct.

2 Q. Page 59 is more As-Sunnah claims for the later weeks of
3 February 2021?

4 A. Yes. Again, consistent per week at 14,000.

5 Q. Then we got page 61, Clifton Townhomes again?

6 A. Correct.

7 Q. Similar. What are the numbers here in February 2021,
8 you see on page 62?

9 A. 450 per day, for the week 3,150.

10 Q. Does that continue -- looks like that's consistent
11 throughout the month of February 2021?

12 A. It appears that way, yes.

13 Q. And the Four Seasons site, are you familiar with that
14 one?

15 A. Yes.

16 Q. We're at page 67.

17 A. Correct.

18 Q. And looks like they have the answer for you. Where is
19 that site located?

20 A. Faribault.

21 Q. How many meals per week here the first week of
22 February 2021?

23 A. 350 per day consistently for 2,100 for the week.

24 Q. And that -- those numbers continue throughout the month
25 of February here on page 67 and 68?

1 A. Correct.

2 Q. Greenwood, another Faribault site here at page 70. What
3 do we see here for the site at Faribault?

4 A. We see consistent 250 per day for that first week,
5 Monday through Saturday, for a total of 1500.

6 Q. This is the Greenwood site to be clear?

7 A. Yes.

8 Q. Okay. Similar at the bottom of page 70?

9 A. Correct.

10 Q. Continues on page 71?

11 A. Yes.

12 Q. And 72?

13 A. Correct.

14 Q. Page 76 is more meal counts for the Heritage -- sorry.
15 This is Greenwood again.

16 Sorry. Page 76 is more meal counts for the
17 Heritage site?

18 A. Yes.

19 Q. 250 a day in that month?

20 A. Correct.

21 Q. A site called Highland here at page 79?

22 A. That's correct.

23 Q. 250 a day?

24 A. Yes.

25 Q. For the month of February?

1 A. Correct.

2 Q. Page 82, another Faribault, Minnesota, site; is that
3 right?

4 A. Yes.

5 Q. Which one is that here at page 82 of Government
6 Exhibit F-1h?

7 A. It's the Lifestyle's site location.

8 Q. And what are the meal counts here in February '21?

9 A. 350 per day.

10 Q. Does that continue consistently this month of
11 February 2021?

12 A. It does.

13 Q. How about Winfield, is that Winfield Townhomes?

14 A. Yes.

15 Q. Would you describe the February 2021 meal counts that
16 were submitted to Partners in Nutrition seeking
17 reimbursement for this site?

18 A. Consistent of 1,000 purported meals served per day
19 consistent throughout the entire month.

20 Q. Okay. And Autumn Holdings, we've talked about that one
21 again here, page 91 in Faribault?

22 A. That's correct.

23 Q. On page 94 we come back to the February 2021 meal counts
24 submitted on behalf of Samaha Islamic Center. That's that
25 first site; is that right?

1 A. Correct.

2 Q. What are the meal counts here in February 2021?

3 A. So it appears to be 2,000 for that six days there, so
4 2,000 consistent on page 94 of the exhibit.

5 Q. Okay. And does the rest of the month continue here on
6 pages 95 and 96 of Government Exhibit F-1h?

7 A. Yes.

8 Q. Again, how many meals were claimed for reimbursement at
9 this Samaha site in February?

10 A. 2,000 per day, each and every day.

11 Q. All right. Here at page 97 there's another -- I don't
12 know if we've seen this one before -- Faribault at Somali
13 Refugee Resettlement; is that right?

14 A. Yes.

15 Q. Can you describe the meal counts submitted for this
16 first week of February on behalf of that site?

17 A. Meal counts are consistent through the week at 778 per
18 day for that first week, with only Monday through Saturday,
19 a total of 4,668 meals for the week.

20 Q. And whose signature appears as the site supervisor for
21 this site?

22 A. Mr. Abdimajid Nur.

23 Q. Does his signature also appear on claims for the
24 following week, February 7th, 2021, at this site?

25 A. It does.

1 Q. What are the claims for that week at that site?

2 A. It appeared to drop by three, so 775 per day consistent
3 for that week.

4 Q. Okay. Page 99 are more claims that are signed by
5 Abdimajid Nur; is that correct?

6 A. Correct.

7 Q. At the top is a site called Marshall?

8 A. Correct.

9 Q. How many meals are claimed for that week of
10 February 1st -- six-day week of February 1st to 6th, 2021?

11 A. 330 meals per day for a total of 1998 meals for that
12 week.

13 Q. Similar numbers the week of February 7th?

14 A. Correct.

15 Q. At the Marshall at Somali Refugee Resettlement site?

16 A. Correct.

17 Q. And signed by Abdimajid Nur?

18 A. Yes.

19 Q. Page 101 are more -- another -- more meal counts signed
20 by Abdimajid Nur; is that correct?

21 A. Correct.

22 Q. And what site is this?

23 A. Minneapolis Somali Refugee Resettlement.

24 Q. And what are the nature of the claims here the first
25 couple weeks of February 2021?

1 A. That first week it's 1600 per day for a total of 9,600
2 for the week. And the following week it's at 1598,
3 consistent for the entire week, for a total of 11,186 meals
4 for the week. And that form is signed by Mr. Abdimajid Nur.

5 Q. Page 103 is more meal counts for those same two weeks; s
6 that right?

7 A. Correct.

8 Q. Submitted -- or with the e-signature of Abdimajid Nur,
9 correct?

10 A. Yes.

11 Q. And what site is this?

12 A. The Rochester Somali Refugee Resettlement.

13 Q. In that first week what do the meal counts look like?

14 A. 503 per day for a total of 3,018 for the week.

15 Q. And the second week here at the bottom of page 103?

16 A. It has 497 consistent for the week, at a total of 3,479
17 for the week.

18 Q. Page 105, additional meal counts for those same two
19 weeks of February 2021; is that right?

20 A. Correct.

21 Q. And also the signature of Abdimajid Nur appears on them,
22 correct?

23 A. Yes.

24 Q. And what site is he claiming reimbursement for on this
25 meal count sheet?

1 A. Willmar, the Somali Refugee Resettlement site.

2 Q. And the first week how many meals?

3 A. A total of 4,632.

4 Q. And the second week?

5 A. A total of 770 per day, for a total of 5,390.

6 Q. Page 107, more meal counts?

7 A. Correct.

8 Q. This is week of February 14th, 2020; is that right?

9 A. Yes.

10 Q. The second two weeks of February, for the Faribault at
11 Somali Refugee Resettlement site, correct?

12 A. Yes.

13 Q. And how many meals are being claimed for reimbursement
14 on a daily and weekly basis here this week?

15 A. 776 daily, for a total of 5,432 for the week.

16 Q. Whose signature appears as the site supervisor for this
17 Faribault site?

18 A. Mr. Nur's.

19 Q. Similarly, at the bottom of this page, there's similar
20 meal count sheet for the third week, February 21st, 2021, at
21 this site; is that right?

22 A. Yes.

23 Q. Meal counts there?

24 A. Correct.

25 Q. Same -- similar numbers?

1 A. Yes. 780 per day, a total of 5,460 for the week.

2 Q. Okay. Abdimajid Nur's signature appears?

3 A. Yes.

4 Q. I'll try to skip through a few of these. We get to --
5 these are more meal counts for the end of the month; is that
6 right here?

7 A. Yes, on page 111 of the exhibit.

8 Q. Rochester, Somali Refugee Resettlement site?

9 A. Correct.

10 Q. Week of February 14th, 2020, how many meal
11 reimbursements are claimed by Abdimajid Nur at this site in
12 Rochester, Minnesota?

13 A. 507 per day for a total of 3,549 for the week.

14 Q. And the bottom of this page 111, how many meals was he
15 seeking reimbursement for the week of February 21st, 2021?

16 A. Total of 3,493 for the week, 499 per day.

17 Q. And the last few pages of this exhibit are just the
18 stub, last day, February 28th, 2021; is that right?

19 A. Yes.

20 Q. For each of these sites. And it looks like the numbers
21 are pretty much consistent with the earlier weeks of
22 February for each of these sites?

23 A. It appears that way, yes.

24 THE COURT: Mr. Thompson, at this time we'll take
25 our afternoon break.

1 MR. THOMPSON: Great.

2 THE COURT: Let's come back at 3:25.

3 **IN OPEN COURT**

4 **(JURY NOT PRESENT)**

5 THE COURT: We're in recess.

6 (Recess taken at 3:05 p.m. till 3:30 p.m.)

7

8 **IN OPEN COURT**

9 **(JURY PRESENT)**

10 THE COURT: You may all be seated.

11 Mr. Thompson, you may continue.

12 MR. THOMPSON: Thank you, Your Honor.

13 BY MR. THOMPSON:

14 Q. Welcome back, Agent Kary.

15 A. Thank you.

16 Q. I'm going to show you now what's been marked, but not
17 admitted, as Government Exhibit F-1i.

18 Government Exhibit F-1i contains meal counts for
19 sites related to Empire Cuisine & Market for March of 2021;
20 is that correct?

21 A. Correct.

22 Q. And it's 106 pages long or thereabouts. Does that sound
23 about right?

24 A. Yes.

25 Q. And these were produced by Partners in Nutrition in

1 response to a grand jury subpoena; is that correct?

2 A. Correct.

3 MR. THOMPSON: Your Honor, I would move to admit
4 Government Exhibit F-1i.

5 MR. ANDREW BIRRELL: No objection, Your Honor.

6 THE COURT: F-1i is admitted and may be published.

7 BY MR. THOMPSON:

8 Q. Now, Agent Kary, you mentioned before that there was a
9 trend in the meal counts over the months of -- as 2021
10 progressed and into 2021; is that correct?

11 A. Yes, from 2020 into 2021, increased definitely.

12 Q. And in March and April of 2021, did that trend continue?

13 A. Yes. I believe March was the -- the largest spike, as
14 it were. I think it didn't increase after March, but that
15 was the -- the largest month was March of 2021.

16 Q. Okay. Let's look at the meal counts that were submitted
17 to PIN that caused PIN to submit claims for reimbursement to
18 MDE. Okay?

19 A. Okay.

20 Q. All right. Page 1 of Government Exhibit F-1i is another
21 meal count. What site is this, and can you describe it for
22 the jury?

23 A. This is Cedar Run at Owatonna, and the meal type for
24 this meal count sheet is snack and supper is indicated. And
25 for the Monday of March 1st through the remainder of the

1 week, every day 1,125 meals received or prepared for a total
2 of 6750 for the week.

3 Q. And whose electronic signature appears as the site
4 supervisor?

5 A. Mr. Abdimajid Nur.

6 Q. At the bottom of the page, similarly, there's a meal
7 count sheet for that second week of March for that Cedar Run
8 at Owatonna site?

9 A. Correct.

10 Q. And what are the meal counts there?

11 A. A consistent 1,125 per day for 7,875 for the week. The
12 meal count sheet signed by Mr. Nur again.

13 Q. Page 3 of Government Exhibit F-1i is meal count sheets
14 for another Owatonna site for that first couple weeks of
15 March 2021; is that right?

16 A. Correct.

17 Q. Which site is this?

18 A. Parkview in Owatonna.

19 Q. Another Mind Foundry site?

20 A. Correct.

21 Q. And who is the site supervisor that signed this?

22 A. Mr. Nur.

23 Q. How many meals per day and week here?

24 A. 1,125 per day, for 6,750 for that first week.

25 Q. And similar numbers, except for all seven days of the

1 second week of March 2021?

2 A. Correct.

3 Q. 1,125 meals reimbursements sought for each day of that
4 week?

5 A. Yes.

6 Q. Page 5 is similarly March 1st, 2021, another Owatonna
7 site?

8 A. Correct.

9 Q. And what site is this?

10 A. This site is the Woodbridge site.

11 Q. And how many meals per day were reimbursements sought
12 for the Woodbridge Owatonna site?

13 A. Snack and supper for 1,125 per day for 6,750 in that
14 first week of March 2021.

15 Q. And whose signature appears as the site supervisor?

16 A. Abdimajid Nur.

17 Q. Similar numbers for the second week of March 2021 at the
18 Woodbridge Owatonna site?

19 A. Correct.

20 Q. At the bottom of page 5?

21 A. Yes.

22 Q. Okay. Page 7 is similar meal counts, same two-week
23 period, correct?

24 A. Correct.

25 Q. At another Owatonna site?

1 A. Woodbridge. Is that the same that was just --

2 Q. Agent, you're right. I'm looking at page 9 in my book
3 here. Page 9.

4 A. Page 9 is the Cedar Run at Owatonna site.

5 Q. These are the later weeks of March; is that right?

6 A. Correct.

7 Q. And what numbers do we see?

8 A. 1,125 per day for a total of 7,875 per week. Or for
9 that week.

10 Q. And the bottom of page 9 of Government Exhibit F-1i?

11 A. This is that later week in March. Similar, almost
12 identical numbers, for that week for the Cedar Run location,
13 again, signed by Mr. Abdimajid Nur.

14 Q. Page 11 of Government Exhibit F-1i?

15 A. Looks again like the later weeks in March, March 14th
16 through March 20th of 2021 for the Parkview site in
17 Owatonna.

18 Q. And what -- what kind of claims do we see here at the
19 Parkview Owatonna site?

20 A. 1,125 per day, for a total of 7,875 for the week.

21 Q. And, similarly, the week of March 21st at the Parkview
22 Owatonna site?

23 A. Identical numbers, yes.

24 Q. And who is the site supervisor that signed these?

25 A. Mr. Abdimajid Nur.

1 Q. Page 13, more Woodbridge.

2 Looks like the numbers continue here on page 17,
3 Cedar Run Owatonna site, the later weeks of -- the last week
4 of March 2021; is that right?

5 A. Appears to be the last four days, yes.

6 Q. And, again, 1,125 meals served to children for which
7 reimbursement is sought, correct?

8 A. Yes.

9 Q. Abdimajid Nur, site supervisor?

10 A. Yes.

11 Q. I'm going to skip ahead. There's a bunch more Owatonna
12 sheets that are similar that we just skipped through; is
13 that right?

14 A. Correct, for those last four days.

15 Q. Of March?

16 A. Yes.

17 Q. All right. This is page 25 of Government Exhibit F-1i.
18 Could you describe this weekly consolidated meal count
19 sheet?

20 A. This is for the site at Autumn Holdings in Faribault,
21 which would be for Monday through Saturday that first week
22 in March, 300 consistently through the week, for a total of
23 1800 for that first six days in March.

24 Q. And similar numbers at the bottom of the page for the
25 week of March 7th, 2021?

1 A. Correct.

2 Q. Again, the site supervisor listed for these -- for this
3 site in these weeks?

4 A. Mr. Nur.

5 Q. Abdimajid Nur?

6 A. Yes.

7 Q. Okay. And those numbers continue on pages 26 and 27 for
8 the rest of the month at that Autumn Woods -- Autumn
9 Holdings site; is that correct?

10 A. Yes, I think -- I guess another -- oh, yes, the four
11 days are on top. Yes. On page 27, yes.

12 Q. Page 28 is a meal count sheet for the site located at
13 the -- or the Al-Ihsan site; is that correct?

14 A. Correct.

15 Q. Again, the first two weeks of March 2021?

16 A. Yes.

17 Q. Could you describe the number of meals claimed to be
18 served to children at that site in the first two weeks of
19 March 2021?

20 A. That first week is 1,100 per day for the first six days,
21 for a total of 6,600 for the week of March 1st through
22 March 6th.

23 Q. And then similar numbers, identical daily numbers the
24 week of March 7th?

25 A. Correct, for a total of 7,700 for that week.

1 Q. Site supervisor listed. And whose signature is listed?

2 A. Mr. Abdimajid Nur.

3 Q. On page 29 there's additional meal count sheets at
4 that -- for that Al-Ihsan site for the later weeks of
5 March 2021?

6 A. Correct. March 14th to the 20th. And then March 21st
7 through the 27th.

8 Q. And what are the nature of those claims?

9 A. Identical to that prior week of the 1,100 per day, total
10 of 7,700 for the week.

11 Q. Okay. Page 31, another set of meal count sheets; is
12 that correct?

13 A. Correct.

14 Q. For the first two weeks of March 2021?

15 A. Yes.

16 Q. What's the site enlisted here?

17 A. 1501 Broadway.

18 Q. Okay. And how many meals are being claimed to be served
19 to children each day on a daily basis here?

20 A. 900 a day.

21 Q. And how about the second week of March 2021?

22 A. A thousand a day.

23 Q. And who is the site supervisor listed for 1501 Broadway?

24 A. Mr. Abdimajid Nur.

25 Q. And is that true here on page 32, the weeks of

1 March 14th and March 21st, 2021?

2 A. Yes. It appears to be 900 a day.

3 Q. Site supervisor Abdimajid Nur?

4 A. Correct.

5 Q. Okay. Page 34, more meal counts?

6 A. Correct.

7 Q. For March of 2021?

8 A. Yes.

9 Q. This is -- I think these are identical. Those are the
10 ones we looked at before, aren't they?

11 A. It appears, yeah, the Cedar Run we've already looked at.

12 Q. Okay. All right. Page 38, what do we see here?

13 A. This appears to be meal counts for Lifestyle's location,
14 which would be a Faribault site, with 350 meals claimed per
15 day consistently through that second week in March for a
16 total of 2450 meals for the week, and that's on page 38.

17 Q. And who is the signature listed as the site supervisor?

18 A. Mr. Abdimajid Nur.

19 Q. Is that true for the week of March 21st at the Lifestyle
20 site?

21 A. Yes, it's identical numbers for that week as well.

22 Q. Page 40 of Government Exhibit F-1i has meal count sheets
23 for the Sharing and Caring site; is that correct?

24 A. Correct.

25 Q. 500 per day; is that correct?

1 A. Yes. 500 a day for that first week.

2 Q. And the second week as well?

3 A. Correct.

4 Q. March 7th. And who signed as the site supervisor?

5 A. Mr. Abdimajid Nur.

6 Q. A similar number is on page 41, the second two weeks of
7 March 2021?

8 A. Yes.

9 Q. 500 a day, 3500 a week?

10 A. Correct.

11 Q. Site supervisor Abdimajid Nur?

12 A. Yes.

13 Q. I think we talked about a site called Scott Park
14 earlier; is that right?

15 A. Correct, the location in Apple Valley.

16 Q. Okay. They're here at page 43 of Government
17 Exhibit F-1i. Are there consolidated meal counts for the
18 first two weeks of March at that site?

19 A. Yes.

20 Q. And how many meals are being claimed on a daily basis
21 here?

22 A. A thousand per day for a total of 6,000 in that first
23 week.

24 Q. Then the second week, the first full week of March --

25 A. We have 7,000, a thousand per day.

1 Q. And the site supervisor?

2 A. Mr. Abdimajid Nur.

3 Q. Do those numbers continue here the rest of the month on
4 page 44 and 45 at Scott Park?

5 A. Correct.

6 Q. Oh, we definitely talked about Tot Park here on page 46;
7 is that right?

8 A. We did, yes.

9 Q. And that's the -- where is Tot Park? Where is the Tot
10 Park site purportedly located?

11 A. Circle Pines, Lexington.

12 Q. Okay. And the meal count sheet for the first and second
13 week of March 2021, how many meals are claimed to be served
14 at Tot Park in Circle Pines?

15 A. 2,506 per day, and that first six days 15,036 meals were
16 claimed.

17 Q. And that's snack and supper here?

18 A. Correct.

19 Q. Similarly for the second week of March?

20 A. Same consistent number of 2506 for that entire week, for
21 a total of 17,542 claimed meals.

22 Q. Looking at the rest of the month here, page 47, Tot
23 Park, week of February 14th, 2021?

24 A. Yes, it's identical to the previous week with the same
25 meal count numbers per day of 2506.

1 Q. Okay. And later on here, the bottom of page 47, the
2 week of March 21st?

3 A. Correct, the week of March 21st through March 27th, same
4 consistent 2506 per day, for a weekly total of 17,542.

5 Q. And this is a Mind Foundry site, Tot Park?

6 A. It is.

7 Q. Page 49 is more meal count sheets; is that right?

8 A. Correct.

9 Q. March 2021?

10 A. Yes.

11 Q. And what do we see here?

12 A. We see the site listed as St. Cloud Somali Athletic
13 Club, and meal counts starting that first day of March at
14 1500 daily Monday through that Saturday, for a total of
15 9,000 for that week.

16 Q. Okay. And how about the second week of March?

17 A. Similar numbers consistent, 1500 per day for a total of
18 10,500 for that week.

19 Q. Do those numbers continue on page 50 and 51?

20 A. They do.

21 Q. On meal count sheets for the rest of the month on
22 March 2021 at St. Cloud Somali Athletic Club?

23 A. Yes.

24 Q. Okay. I think we looked at Broadway earlier, didn't we?

25 A. I believe we did, yes. I think it was for March as

1 well.

2 Q. Here, page 57, more meal count sheets for Greenwood
3 Place; is that right?

4 A. Yes.

5 Q. Are you familiar with that site?

6 A. Not as familiar, but I know it was one of the sites that
7 Empire Cuisine & Market vended for based on the information
8 from our investigation.

9 Q. Okay. And looking here on page 57 we have meal counts
10 for the week of March 14th, 2021; is that right?

11 A. Yes.

12 Q. And can you tell us -- can you explain those or describe
13 those for us?

14 A. Meal type of snack and supper, and claimed to have
15 served 400 per day each and every day of the week, for a
16 total of 2800 meals for that week.

17 Q. And who was the site supervisor for that site?

18 A. Mr. Abdimajid Nur.

19 Q. Similarly, the week of March 21st on the bottom of this
20 page?

21 A. Correct.

22 Q. Similar numbers?

23 A. Yes.

24 Q. And that continues here on page 59 for the rest of the
25 month of March?

1 A. Correct.

2 Q. And I forget, did we talk about As-Sunnah here in March?

3 A. I don't believe so.

4 Q. Okay. Well, let's look at page 68 of Government
5 Exhibit F-1i. What do we see here?

6 A. That's the first full week of March, March 7th through
7 the 13th. Again, the meal type there indicates breakfast
8 and lunch. 2,000 consistent through the week Sunday through
9 Saturday, for a total of 14,000 for that week. And the
10 signature of site supervisor is Mr. Abdimajid Nur.

11 Q. On page 69 here do we see similar numbers for the rest
12 of the month of March at that As-Sunnah site?

13 A. Correct. 2,000 a day. And I think the next page will
14 indicate the next four days of March, 2,000 at well.

15 Q. And the site supervisor identified for these meal count
16 submissions?

17 A. Mr. Abdimajid Nur.

18 Q. Okay. Here, page 71, there's a site Clifton. Is that
19 Clifton Townhomes?

20 A. Correct.

21 Q. Tell us about this meal count sheet for the first week
22 of March 2021.

23 A. Meal types indicated are breakfast and lunch, and
24 starting that first week of March, 500 per day, consistent
25 throughout the week, with a total of 3,000 for that first

1 week meal. Site supervisor signature indicates

2 Mr. Abdimajid Nur.

3 Q. Okay. Similarly, at the bottom of page 71, 500 a day,
4 the week of March 7th, 2021?

5 A. Correct.

6 Q. Signed by Abdimajid Nur?

7 A. Yes.

8 Q. Page 72, similar numbers, the second and third week of
9 March 2021, the Clifton Townhomes site?

10 A. Yes.

11 Q. Abdimajid Nur is the site supervisor?

12 A. Correct.

13 Q. All right. And then page 74, this is a different site;
14 is that right?

15 A. Yes. The Crossings at Valley.

16 Q. Abdimajid Nur also listed as the site supervisor?

17 A. That's correct.

18 Q. How many meals are claimed as having been served to
19 children in these weeks of March 2021 at The Crossings at
20 Valley site?

21 A. 550 per day for that first week, and I believe it stays
22 consistent through the month.

23 Q. Does that go on the bottom of page 74 as well?

24 A. Yes.

25 Q. And on page 75, do we see similar numbers the rest of

1 the month of March being submitted by Abdimajid Nur for
2 meals claimed to be served at The Crossings at Valley site?

3 A. Yes.

4 Q. Okay. Page 77, what do we got here?

5 A. This is a site indicated as Four Seasons, a location in
6 Faribault. It starts consistently in that first week of
7 March with 350 claimed meals per day consistently through
8 that first week, and I believe it goes on consistently
9 throughout the month. And this site supervisor is
10 Mr. Abdimajid Nur signed on these sheets.

11 Q. Okay. Here we go, page 78, similar numbers the rest of
12 the month here?

13 A. Correct.

14 Q. Page 80, Greenwood Place.

15 A. Correct.

16 Q. 300 a day in March?

17 A. Yes.

18 Q. Breakfast and lunch?

19 A. That's correct.

20 Q. And who signed as a site supervisor attesting to these
21 claims to have served kids at the Greenwood Place site?

22 A. Mr. Abdimajid Nur.

23 Q. Those numbers continue throughout the month; is that
24 right?

25 A. That's correct.

1 Q. Page 86 of F-1i. Meal counts for the Heritage Hills
2 site. Could you describe those?

3 A. Yes. Indicated, again, meal type breakfast and lunch,
4 starting on that Monday, 250 consistently through the week,
5 for 1500 total for that first week, signed by site
6 supervisor Mr. Abdimajid Nur. And it stays consistent
7 through the week on that page 86. I think on page 87 as
8 well.

9 Q. All right. And 88, for the rest of the month of March?

10 A. Correct.

11 Q. And the site supervisor submitting these meal counts
12 stays the same as well?

13 A. Yes.

14 Q. Abdimajid Nur?

15 A. That's correct.

16 Q. Page 89?

17 A. This is, again, meal counts for Highland Apartments and
18 consistent 250 per day, I believe, for the entire month of
19 March, signed by site supervisor Mr. Abdimajid Nur.

20 Q. Similarly, at the bottom of the page for March, the week
21 of March 7th?

22 A. Yes, that second week of March is consistent with that
23 first week.

24 Q. And on page 90 and 91, what do we see?

25 A. Same number of meal counts, 250 per day, for the

1 remainder of the month.

2 Q. Site supervisor Abdimajid Nur?

3 A. That's correct.

4 Q. Okay. Page 92, Lifestyle site. Is that the Lifestyle
5 Inc. Apartments?

6 A. Correct.

7 Q. And what kind of claims are being submitted by -- on
8 behalf of that site in March 2021?

9 A. That site indicates meal type of breakfast and lunch for
10 400 meals per day, starting in that first week, for 400 per
11 day, for 2400 in that first week.

12 Q. Similar numbers the rest of the month?

13 A. Correct. 400 per day on page 93.

14 Q. And who is signing off as the site supervisor?

15 A. Mr. Abdimajid Nur.

16 Q. All right. Page 98, Winfield. Is that another site?

17 A. Yes, Winfield Townhomes is another site.

18 Q. And we have meal counts for that site in March of 2021
19 as well?

20 A. Correct.

21 Q. Could you describe them?

22 A. And those are, again, consistent meal counts of 1,000
23 per day for that first week, for a total of 6,000, signed by
24 Mr. Abdimajid Nur as site supervisor. Moving into that
25 second week of March 7th through 13th, again, consistent

1 1,000 meals per day, for 7,000 for that week, signed by
2 Mr. Abdimajid Nur.

3 Q. And that continues throughout the month of March 2021;
4 is that right?

5 A. Correct.

6 Q. Those numbers?

7 A. Yes. Onto page 100 for that last four days.

8 Q. All right. And then here on page 101 of Government
9 Exhibit F-1i, meal counts for the Autumn Holdings site?

10 A. Correct.

11 Q. Are you familiar with that one?

12 A. Yes, a site down in Faribault. Again, similar meal
13 count -- meal types, breakfast and lunch, 400 per day for
14 that first six days consistently, for a total of 2400 meals
15 in that first six days. Site supervisor for these first
16 couple weeks are, again, Mr. Abdimajid Nur.

17 Q. And those numbers continue throughout the month of
18 March 2021?

19 A. They do.

20 Q. All right. Last, but not least, here in March of 2021,
21 Samaha. We're familiar with that site, correct?

22 A. Yes.

23 Q. It's the original site?

24 A. Correct.

25 Q. What are the claims for March of 2021 in terms of meals

1 being served at that site?

2 A. 2,000 per day.

3 Q. And that continues the entire month of March 2021?

4 A. It does, yes.

5 Q. And who signed off as the site supervisor for that site?

6 A. Mr. Abdimajid Nur.

7 Q. And that site's in Shakopee; is that right?

8 A. Correct.

9 Q. Through one book.

10 THE COURT: How many books are there?

11 MR. THOMPSON: What's that?

12 THE COURT: How many books are there?

13 MR. THOMPSON: Two.

14 THE COURT: You may continue.

15 MR. THOMPSON: This one is smaller.

16 BY MR. THOMPSON:

17 Q. All right. Agent Kary, I'm going to show you Government
18 Exhibit F-1j.

19 Do you recognize -- well, let me -- F-1j is the
20 meal counts for April 2021; is that right?

21 A. Correct.

22 Q. And they were received from Partners in Nutrition in
23 response to a grand jury subpoena; is that right?

24 A. Correct.

25 MR. THOMPSON: Your Honor, I move to admit

1 Government Exhibit F-1j.

2 THE COURT: Any objection?

3 MR. ANDREW BIRRELL: No objection, Your Honor.

4 THE COURT: F-1j is admitted and may be published.

5 MR. THOMPSON: Thank you, Your Honor.

6 BY MR. THOMPSON:

7 Q. Agent Kary, do we see similar meal count numbers as we
8 move into April of 2021?

9 A. Yes.

10 Q. I don't want to go through all of them, because we're
11 going through a lot. But page 1 here is Al-Ihsan. We're
12 familiar with that site; is that right?

13 A. Correct.

14 Q. How many a day here in April 2021?

15 A. 1,100 per day.

16 Q. And that continues consistently throughout the month,
17 again?

18 A. Correct.

19 Q. And who is listed as the site supervisor for these
20 April 2021 meal count sheets?

21 A. Mr. Abdimajid Nur.

22 Q. Okay. I'll just kind of go through, run through these a
23 little bit.

24 We see similar meal count sheets as we scroll
25 through the exhibit; is that right?

1 A. Correct.

2 Q. Mainly signed by Abdimajid Nur as the site supervisor;
3 is that right?

4 A. That is correct.

5 Q. Now, here's a new one on page 21. I don't think we've
6 seen this site before. Could you describe the meal count
7 sheet here at page 21?

8 A. This site indicates Bet'el Afaan Oromo Church, and it's
9 another -- I believe it's an additional site that comes in
10 later, but starts in that April time frame from what I can
11 recall. But, again, the meal counts there are 1500
12 consistent for that first three days of April, and I believe
13 it stays that way.

14 Q. And whose signature appears as the site supervisor at
15 this new site?

16 A. Mr. Abdimajid Nur.

17 Q. Those numbers continue throughout the month of
18 April 2021?

19 A. They do.

20 Q. Okay. Cedar Run, we've seen this. This is page 24.
21 Again, similar meal counts of 1,125 kids served per day?

22 A. That's correct, on page 24 there. And when the month
23 starts, it has the indication for the handwritten on top
24 there, the total for the month.

25 Q. This is on -- I'm looking at page 24. Is this what

1 you're talking about (indicating)?

2 A. Correct.

3 Q. What is that?

4 A. That's the -- typically, when we match things up, we
5 would see that handwritten note and notice that pretty much
6 it was consistent matched up for the month for that site at
7 the beginning.

8 Q. Okay. Abdimajid Nur listed as the site supervisor here
9 down in Owatonna?

10 A. Correct.

11 Q. Owatonna a big town?

12 A. I wouldn't consider it a big town, no.

13 Q. Roughly how big?

14 A. I don't know the census data. I've been there before,
15 but I would be guessing around 20,000.

16 MR. ANDREW BIRRELL: Objection. Guess.

17 THE COURT: Sustained. That will be stricken.

18 You may ask another question.

19 BY MR. THOMPSON:

20 Q. Where is Owatonna?

21 A. South of the metro.

22 Q. Okay. How far south roughly?

23 A. I would say 50 miles.

24 Q. Scroll through here a little bit. Scott Park here at
25 page 36. It looks like 30,000 meals for the month. Is

1 that -- in April of 2021?

2 A. Correct.

3 Q. Abdimajid Nur, site supervisor?

4 A. Yes.

5 Q. How about here, page 39, Tot Park?

6 A. Correct. Consistent with the previous month of 2506 per
7 day.

8 Q. Now, you're familiar with Tot Park, right?

9 A. Yes.

10 Q. What can you tell us about Tot Park?

11 A. It's a site that -- based on the investigation, we've
12 gone to that site. We've interviewed individuals around the
13 site, and I've been in that area before.

14 Q. Well, why don't you -- without getting into interviews,
15 why don't you talk to us or explain -- you said you've been
16 to the site.

17 A. Yes.

18 Q. What do you mean you've been to the site?

19 A. Went to look at the site to see what it looked like
20 based on the material that we'd received, as there were
21 indications that it was a -- under construction during the
22 time that this was a site.

23 Q. Okay. I'll come back to where we're at here. Let's
24 take a break from meal counts for a second here.

25 I'm going to show you up on the screen Government

1 Exhibit C-230, which has already been admitted into
2 evidence. And is this the CLiCS application form for the
3 Tot Park site?

4 A. Correct.

5 Q. Mind Foundry site?

6 A. Yes.

7 Q. And that CLiCS application, like all CLiCS applications,
8 does it list the address for the site?

9 A. It does.

10 Q. And what is the address that's listed?

11 A. 9101 South Highway Drive, Circle Pines.

12 Q. Okay. And did you go there, you said?

13 A. We did, yes.

14 Q. Okay. And what did you find?

15 MR. MOHRING: Objection. Can we have a time
16 frame? Vagueness.

17 BY MR. THOMPSON:

18 Q. When did you go there, Agent Kary?

19 A. Would have been the fall of 2021.

20 Q. Okay. What did you find when you went to Tot Park in
21 the fall of 2021.

22 A. So Tot Park was -- there was a -- I believe it was a
23 closed sign around it or it was a construction zone. An
24 apartment complex was going up right and adjacent to it.

25 Q. Okay.

1 MR. COTTER: Object to relevance. This is --

2 THE COURT: Overruled.

3 MR. THOMPSON: When you went to Tot Park --

4 MR. COTTER: -- being submitted.

5 BY MR. THOMPSON:

6 Q. When you went to Tot Park where the defendants claimed
7 to be serving meals to 2,506 children a day, every day, in
8 March, in April of 2021, you went there a few months later
9 in the fall?

10 A. Yes.

11 Q. Six months later? What did you find when you went to
12 Tot Park in the fall of 2021?

13 A. A park that was closed, but I also -- the address that's
14 indicated with this is not actually Tot Park. It's adjacent
15 to Tot Park. There's a Festival Foods grocery that this
16 address comes back to, a grocery store.

17 Q. Okay. So it's not actually Tot Park?

18 A. Correct.

19 Q. The address?

20 A. The address is not Tot Park.

21 Q. 9101 South Highway Drive in Circle Pines?

22 A. Correct.

23 Q. Okay. This is in Circle Pines, Minnesota, or Lexington?
24 Which?

25 A. It's right on the border.

1 Q. Okay. How would you describe that area? Where is that
2 located?

3 A. North -- northeast metro. It's not too far east, it's
4 almost directly north.

5 Q. Is it a large area?

6 A. It's not too large, no.

7 Q. Okay.

8 A. Suburb.

9 Q. Okay. Agent Kary, I'd like to show you a couple things.
10 I want to show you a couple of emails about the creation of
11 this site. Okay?

12 A. Okay.

13 Q. These have not been admitted. First is Government
14 Exhibit G-91.

15 Are you -- do you see Government Exhibit G-91
16 here?

17 A. I do.

18 Q. And what is it?

19 A. It's an email chain between Kara Lomen and Mr. Mahad
20 Ibrahim, and Mr. Abdiaziz Farah is cc'd on the message.

21 Q. Okay. And is this an email that you got via a grand
22 jury subpoena to Partners in Nutrition?

23 A. Yes.

24 MR. THOMPSON: Your Honor, I move to admit
25 Government Exhibit G-91.

1 THE COURT: Any objection?

2 MR. ANDREW BIRRELL: No objection, Your Honor.

3 THE COURT: G-91 is admitted and may be published.

4 MR. THOMPSON: Thank you, Your Honor.

5 BY MR. THOMPSON:

6 Q. And we looked at an email similar to there or part of
7 this email chain, which began in November of 2020, with a
8 series of potential sites that Mahad Ibrahim and Abdiaziz
9 Farah wanted to open under the sponsorship of Partners in
10 Nutrition; is that right?

11 A. Correct.

12 Q. Including sites in Owatonna, and then a site at Mary's
13 Montessori School?

14 A. Correct.

15 Q. Are you familiar with Mary's Montessori School?

16 A. I am.

17 Q. How so?

18 A. It's a location that's very close to Tot Park.

19 Q. Okay. And in the email -- there's a series of emails,
20 including one where Mahad Ibrahim asks to put all the sites
21 under Mind Foundry; is that correct?

22 A. Correct.

23 Q. That's November 21st of 2020?

24 A. Yes.

25 Q. And then how does -- Kara Lomen responds to Mahad

1 Ibrahim, and what does she say.

2 A. She says, "Hi. The one that is Plymouth Academy and the
3 site that is Mary's Montessori will not get approved by MDE
4 because there are existing childcare centers at the same
5 location. All of the other sites are in." Smiley face.

6 Q. And that's on December 6th of 2020?

7 A. Correct.

8 Q. So Partners in Nutrition has declined to sponsor a site
9 at Mary's Montessori?

10 A. Correct.

11 Q. Okay. I'm going to show you now another email that has
12 not been admitted, Government Exhibit G-93, which is another
13 email that was produced by Partners in Nutrition; is that
14 correct?

15 A. Correct.

16 MR. THOMPSON: Your Honor, I move to admit
17 Government Exhibit G-93.

18 THE COURT: Any objection?

19 MR. ANDREW BIRRELL: No objection, Your Honor.

20 THE COURT: G-93 is admitted and may be published.

21 BY MR. THOMPSON:

22 Q. Agent Kary, this is an email sent December 11th, 2020;
23 is that right?

24 A. Correct.

25 Q. That's five days after Kara Lomen said, We can't sponsor

1 a site at Mary's Montessori?

2 A. Yes.

3 Q. And what does -- well, describe this email for us.

4 A. It's an email from Mahad Ibrahim to Kara Lomen, and the
5 subject line is Tot Park Replacement for Mary's Montessori.

6 Q. And there is a link to a Google map; is that right?

7 A. Correct.

8 Q. And it's the place listed on the hyperlink, the latitude
9 and longitude?

10 A. Correct.

11 Q. And what is it here? I'll put my cursor on it here.

12 A. Tot Park.

13 Q. That's the park we were just talking about?

14 A. That's correct.

15 Q. I show you now Government Exhibit C-231, which is not in
16 evidence yet. Got it?

17 I'm going to show you this. Okay. This one is
18 actually Government Exhibit C-231a.

19 A. Correct.

20 Q. And what does this depict here?

21 A. It's a picture. I believe this is a Google image from
22 the -- what used to be the Tot Park area, which is now
23 Lexington City Park.

24 Q. And does this depict it, the park?

25 A. It -- it doesn't depict what it looked like when I was

1 there, but it is -- it depicts what's there now.

2 Q. Okay.

3 MR. THOMPSON: I would move to admit Government
4 Exhibit C-231a.

5 MR. SAPONE: Objection. Relevance.

6 MR. ANDREW BIRRELL: We'd object on foundation.

7 THE COURT: Can you establish more foundation,
8 particularly as to time? I'm overruling as to relevance.

9 BY MR. THOMPSON:

10 Q. Agent Kary, explain to me what this depicts and when.

11 A. The exact time of this Google image I'm not certain of,
12 but I have been to that park within the last month and it
13 looks --

14 Q. Like this?

15 A. -- identical to that right now, of course without the
16 truck there, but that is what the park looks like now. And
17 the apartment complex was not there when I was there.
18 That's the new building that was constructed.

19 Q. That's where the construction was when you visited back
20 in the fall of 2021?

21 A. Correct.

22 THE COURT: Are you maintaining your foundation
23 objection?

24 MR. ANDREW BIRRELL: Yes, I am, Your Honor.

25 THE COURT: I am going to overrule that and admit

1 C-231a.

2 BY MR. THOMPSON:

3 Q. All right. Agent Kary, can you describe this? What's
4 depicted here?

5 A. This is a picture of the Tot Park, what used to be the
6 Tot Park location. It's really right on the border of
7 Circle Pines and Lexington. Tot Park, as it's known, is no
8 longer there. It is now Lexington City Park.

9 Q. Okay. And describe -- when you went there in the fall
10 of 2021, what did you see?

11 A. There was some, I guess, playground equipment there.
12 There were a number of -- I can't remember -- I just know it
13 was a construction zone. I think there was some equipment
14 there. I can't recall exactly what was, but there was not
15 any activity to where it would be a park that was open to
16 the public.

17 Q. You said it was closed. What do you mean by that?

18 A. It was not an active -- it was -- I can't remember. I
19 think it was some fenced off area, and then -- I can't
20 remember all the specifics about the site at that time.

21 Q. Okay. And then you said the building was under
22 construction. That's the apartment building on the left
23 here?

24 A. Correct.

25 Q. What was the state of the construction of that building

1 in the fall of 2021?

2 A. It was just getting -- there was nothing there at the
3 time. I think might have been -- may have been foundation
4 or the leveling of the ground out.

5 Q. Okay. Great.

6 One moment, Your Honor.

7 Okay. Thank you, Agent Kary.

8 All right. Let's go back to -- I want to go back
9 to F-1i, which is the meal count sheets that -- sorry. I
10 was on F-1j. I think I was at the meal count -- this is
11 Government Exhibit F-1j at page 41, which is the meal count
12 sheets we were talking about for Tot Park; is that right?

13 A. Correct.

14 Q. In April of 2021?

15 A. Yes.

16 Q. 2,506 kids a day?

17 A. That's correct.

18 Q. 15,000 meals a week?

19 A. Correct.

20 Q. Site supervisor, Abdimajid Nur?

21 A. Yes.

22 Q. Okay. How about page 42 of this exhibit? What do we
23 see?

24 A. Again, meal count sheets indicating snack and supper for
25 1500 meals a day for that entire week for a total of 10,500.

1 Q. Okay.

2 A. For the week.

3 Q. Similar for the next week of April?

4 A. Correct.

5 Q. Okay. And the rest of the month of April for the
6 St. Paul -- or Somali Athletic Club?

7 A. Correct.

8 Q. And who is the site supervisor that signed these
9 submissions?

10 A. The site supervisor is Mr. Abdimajid Nur.

11 Q. Okay. I page through here. I see Park Row, Parkview at
12 Owatonna. These are similar numbers here on page 48 that
13 we've seen for prior months in Owatonna?

14 A. Correct.

15 Q. The Parkview site?

16 A. Yes.

17 Q. And this is 1,125 daily meals?

18 A. Yes.

19 Q. Site supervisor Abdimajid Nur?

20 A. That is correct.

21 Q. And I guess more than daily. It's the weekly here,
22 7,875; is that right?

23 A. Yes.

24 Q. Okay. And this month of April, I think it's pretty
25 similar to March, is that right, if we go through it --

1 A. It is.

2 Q. -- Agent Kary, in terms of the numbers and the -- both
3 the number of sites and the amount of the claims; is that
4 right?

5 A. Correct.

6 Q. We can page through it here, more Circle Pines at
7 page 58, the rest of the month.

8 A. Correct.

9 Q. Autumn Holdings, As-Sunnah, page 72; is that right?

10 A. Yes.

11 Q. Again, Abdimajid Nur is listed as the site supervisor
12 here?

13 A. That's correct.

14 Q. Okay. All right. I'm going to show you now F-1k, not
15 in evidence.

16 Are these the meal count sheets that were produced
17 by Partners in Nutrition for the month of May 2021?

18 A. Yes.

19 Q. And are they similar -- they were produced in response
20 to a grand jury subpoena; is that right?

21 A. Correct, from Partners in Quality Care, Partners in
22 Nutrition.

23 MR. THOMPSON: Your Honor, I move to admit
24 Government Exhibit F-1k.

25 MR. ANDREW BIRRELL: No objection.

1 THE COURT: F-1k is admitted and may be published.

2 MR. THOMPSON: Thank you.

3 BY MR. THOMPSON:

4 Q. Agent Kary, looking at the first page of Government
5 Exhibit F-1k, similar types of records; is that correct?

6 A. Yes. For the month of May.

7 Q. Page 5, for example, the Al-Ihsan site, 1100 meals
8 served to children; is that right?

9 A. Yes, indicated per day, yes.

10 Q. 7700 per week?

11 A. Yes.

12 Q. On page 8, the Bet'el Afaan Oromo Church; is that right?

13 A. Correct.

14 Q. The week of May 16, 2021, how many meals are claimed for
15 that week?

16 A. 1500 per day, for a total of 10,500 for the week.

17 Q. And the site supervisor whose electronic signature
18 appears on it?

19 A. Mr. Abdimajid Nur.

20 Q. Okay. All right. This continues here through many of
21 the exact same sites, correct?

22 A. Correct.

23 Q. Largely the same numbers as prior months?

24 A. Yeah, it appears that they're still the same or similar
25 meal count types.

1 Q. We just talked about Circle Pines and the Tot Park; is
2 that right?

3 A. Correct.

4 Q. 2506?

5 A. Yes.

6 Q. The Somali Athletic Club, which I think is in St. Cloud;
7 is that correct?

8 A. That is correct.

9 Q. And what are we looking at its daily and week?

10 A. Daily 1500, 10,500 for the week.

11 Q. Success Academy, this is some smaller numbers here, 50?

12 A. Correct.

13 Q. That's 50 back in November of 2020; is that right?

14 A. Yes.

15 Q. And then F -- I'm going to show you F-11, which is meal
16 counts for June of 2021 that were produced by Partners in
17 Nutrition; is that correct?

18 A. Yes.

19 Q. All right.

20 MR. THOMPSON: Your Honor, I move to admit
21 Government Exhibit F-11.

22 MR. ANDREW BIRRELL: Grand jury subpoena?

23 MR. THOMPSON: Yes.

24 MR. ANDREW BIRRELL: No objection, Your Honor.

25 THE COURT: F-11 is admitted and may be published.

1 BY MR. THOMPSON:

2 Q. Similar looking counts for this month; is that right?

3 A. Correct.

4 Q. And it looks like -- just let's do page 1. It's June 6,
5 2021, at Autumn Holdings?

6 A. Correct.

7 Q. And whose name -- it looks like it's typed in here.

8 A. The typed name appears to be Abdimajid.

9 Q. Okay. I'm going to show you now F-1m, which is not yet
10 in evidence. Sorry.

11 Are those meal counts produced related to the
12 month of July 2021 in these Empire-related sites?

13 A. Yes, via grand jury subpoena to Partners in Quality
14 Care.

15 Q. Produced by Partners in Nutrition, Partners in Quality
16 Care?

17 A. Yes.

18 MR. THOMPSON: Your Honor, I move to admit
19 Government Exhibit F-1m.

20 MR. ANDREW BIRRELL: No objection.

21 THE COURT: F-1m is admitted and may be published.

22 MR. THOMPSON: Thank you.

23 BY MR. THOMPSON:

24 Q. And these are a little -- these ones are more
25 handwritten than some of the other ones; is that right?

1 A. Yes, it appears that way.

2 Q. Looking at page 1, we see Autumn Holdings claims; is
3 that right?

4 A. Correct.

5 Q. Al-Ihsan Islamic Center?

6 A. Correct.

7 Q. At page 3?

8 A. Yes.

9 Q. This one at page 5, Albright, are you familiar with that
10 site?

11 A. I believe, if I'm -- I believe it's the Faribault -- a
12 Faribault location.

13 Q. Okay. And how many meals are being claimed for this
14 week of July 18th through 24th?

15 A. For the week it appears to be 7,623.

16 Q. And what kind of meals?

17 A. Breakfast and lunch.

18 Q. And who signed as the site supervisor?

19 A. Abdiwahab Maalim.

20 Q. Abdiwahab Maalim? Is that what it says? You know --

21 A. I don't know.

22 Q. Okay. How about a page 7 here?

23 A. Again, more meal count sheets. This one is for Clifton
24 Townhomes for July 11th of 2021 through July 17th of 2021.

25 And it indicates breakfast and lunch starting on the 14th of

1 July, 997 per day, Wednesday, Thursday, Friday, Saturday,
2 for a total of 3,988.

3 Q. And whose name appears as the site supervisor for these
4 claims at Clifton Townhomes?

5 A. Mr. Mohamed Ismail.

6 Q. The bottom of page 7 of Government Exhibit F-1m, what do
7 we see here?

8 A. A similar meal count sheet. This time it's for the full
9 week from July 18th, 2021, to July 24th, 2021. Meal
10 counts -- or meal type indicated breakfast and lunch. 997
11 for Sunday, Monday, Tuesday; and then it turns to Wednesday
12 through Saturday, 1,021 claimed meals for a total of 7,075
13 meals for that week.

14 Q. And who is -- whose name appears as the site supervisor?

15 A. Mr. Mohamed Ismail.

16 Q. That's the partner in Empire Cuisine & Market?

17 A. Correct.

18 Q. You see more going on here, again, handwritten here in
19 July 2021; is that correct?

20 A. Yes.

21 Q. Here at page 17 there's claims for that Samaha site
22 we've talked about; is that right?

23 A. That's correct.

24 Q. Could you describe here at the top of page 17 on
25 Government Exhibit F-1m?

1 A. Indicates the site name as Samaha, a meal type of
2 breakfast and lunch. And for the week July 18th through
3 July 24, 2021, the meal count for daily is 1548 for a total
4 of 10,836 for the week, with a signature of site supervisor
5 of Mr. Mohamed Ismail.

6 Q. And at the bottom of page 17?

7 A. A similar document, almost identical, with the meal
8 counts at per day at 1479 per day for the week for a total
9 of 10,353. That's for the week of July 25th through
10 July 31st, with a signature of site supervisor Mr. Mohamed
11 Ismail.

12 Q. Okay. I'm going to show you now another one that's --
13 another batch that's not yet in evidence. F-1n. Does
14 Government Exhibit F-1n contain meal counts that were
15 produced by Partners in Nutrition for the month of
16 August 2021?

17 A. Yes, which was pursuant to a grand jury subpoena. Yes.

18 MR. THOMPSON: Your Honor, we move to admit
19 Government Exhibit F-1n.

20 MR. ANDREW BIRRELL: No objection, Your Honor.

21 THE COURT: F-1n is admitted and may be published.

22 MR. THOMPSON: Thank you, Your Honor.

23 BY MR. THOMPSON:

24 Q. Agent Kary, similar things for the month of August 2021?

25 A. Correct.

1 Q. And these are handwritten again; is that correct?

2 A. Yes.

3 Q. Okay. And I see some of the same sites. Autumn
4 Springs. Al-Ihsan here on page 4?

5 A. Correct.

6 Q. And page 5?

7 A. Yes, again, Al-Ihsan.

8 Q. 1100 -- looks like 1100 per day here in August on
9 page 8?

10 A. It appears to be 1800.

11 Q. For 12,000 meals this week of August 8th?

12 A. Correct.

13 Q. Similar numbers here the following week?

14 A. Correct.

15 Q. Here at page 10 of Government Exhibit F-1n, do we see a
16 new site supervisor?

17 A. We do.

18 Q. Who is the site supervisor here? Do you recognize that
19 name?

20 A. I do.

21 Q. How do you recognize that name?

22 A. He's a defendant in this case.

23 Q. And which defendant is the site supervisor on this meal
24 count sheet?

25 A. Abdiwahab Aftin.

1 Q. And could you describe the nature of the meal count
2 sheet that he is signing off on this first week of
3 August 2021?

4 A. The meal count sheet indicates Albright Townhomes for
5 the week of August 1st, 2021, through August 7th, 2021. The
6 meal type indicated is snack and supper. Daily meals
7 claimed are 1498 per day, consistent throughout the week,
8 for a total of 10,486 claimed for the week.

9 Q. At the bottom of page 10 here in Government
10 Exhibit F-1n, what do we see?

11 A. Similar meal count sheet, with the same site supervisor
12 signing, and meal counts of 1248 daily, for a weekly total
13 of 8,736 claimed meals.

14 Q. And, again, who is the site supervisor?

15 A. Mr. Abdiwahab Aftin.

16 Q. Page 11 on Government Exhibit F-1n?

17 A. Similar. It's a site indicated Albright Townhomes for
18 the week of August 15th through August 21st of 2021, for the
19 meal type of snack and supper. Consistent meal counts
20 throughout the week of 1380, for a total meal count claimed
21 for the week of 9,660.

22 Q. Whose signature appears as the site supervisor?

23 A. Mr. Abdiwahab Aftin.

24 Q. Do you see Mr. Aftin in court today?

25 A. I do.

1 Q. Would you point him out, describe where he is sitting?

2 A. He's sitting right behind you.

3 MR. THOMPSON: Can the record reflect that the
4 witness has identified defendant Aftin?

5 THE COURT: The record will so reflect.

6 BY MR. THOMPSON:

7 Q. At the bottom of this page is another one submitted for
8 Albright Townhomes?

9 A. Correct.

10 Q. The following week of August 2021?

11 A. Yes.

12 Q. 1422 served to children per day?

13 MR. ANDREW BIRRELL: Objection. That misstates
14 the exhibit. It's number of meals, not number of children.

15 THE COURT: Can you rephrase please?

16 BY MR. THOMPSON:

17 Q. When it says number of first meals served to children
18 here on the third line, what does it say, Agent Kary?

19 A. It indicates 1422 meals served to children.

20 Q. Per day?

21 A. Yes.

22 Q. For a total number of meals?

23 A. 9,954.

24 Q. And the site supervisor who signed off on this claim for
25 reimbursement for those meals?

1 A. Mr. Abdiwahab Aftin.

2 Q. And then -- that was page 11, I think. Okay.

3 Here, page 14 of Government Exhibit F-1n, another
4 meal count claim for the As-Sunnah Islamic Center site; is
5 that correct?

6 A. Correct.

7 Q. And what's the date on this meal count claim?

8 A. The date is August 15th of 2021 through August 21st,
9 2021.

10 Q. And could you describe the nature of the meals claimed
11 of having been served to children?

12 A. The meal type of snack and supper, and the number of
13 first meals served to children indicates 1902 per day,
14 consistent through the week, for a total of 13,314.

15 Q. And whose name appears as the signature of site
16 supervisor?

17 A. Mr. Mohamed Ismail.

18 Q. See on the bottom of this page we have similar meal
19 counts for the following week at that site; is that correct?

20 A. Correct.

21 Q. Again, site supervisor Mohamed Ismail?

22 A. Yes.

23 Q. And that's true here as we go forward. On page 16 for
24 Clifton Townhomes; is that right?

25 A. Correct.

1 Q. And this is the last few days of July 2021?

2 A. Yes.

3 Q. Could you describe these claims?

4 A. It's the last four days in July, July 28th through
5 July 31st of 2021, for the meal type of snack and supper,
6 with consistent those four days having 1,059 meals per day
7 for a total of 4,236 meals claimed.

8 Q. It looks like Mohamed Ismail's name appears as the site
9 supervisor for additional claims at the Clifton Townhomes
10 site in August of 2021 here on pages 16, 17 and 18; is that
11 right?

12 A. Yes.

13 Q. See some similar names here, is that right, agent, as we
14 scroll through the exhibit in terms of sites?

15 A. Yes. We've seen the Winfield Townhomes, Woodbridge.

16 Q. And Samaha?

17 A. Correct.

18 Q. Page 31?

19 A. Yes.

20 Q. And who signs as the site supervisor for Samaha's claims
21 in August of 2021?

22 A. Mr. Mohamed Ismail.

23 Q. Is that true at the bottom of page 31 as well?

24 A. Yes, it appears that some names were scribbled out, but
25 Mohamed Ismail's name does appear.

1 Q. And that's true, again, on page 32 for the week of
2 August 15, 2021 at Samaha?

3 A. Correct.

4 Q. Mohamed Ismail?

5 A. Yes.

6 Q. And, again, on the bottom of that page the week of
7 August 22nd?

8 A. Correct.

9 Q. Meal counts of 1501 listed for each day here?

10 A. Yes.

11 Q. Okay. I've got to put in one more -- or two more here
12 that are not yet in evidence. F-10. Do you see that,
13 agent?

14 A. I do.

15 Q. And I'll page through it here. It looks like these are
16 claims for September of 2021; is that right?

17 A. It appears that way, yes.

18 Q. These were produced by Partners in Nutrition pursuant to
19 a grand jury subpoena?

20 A. Yes.

21 MR. THOMPSON: Your Honor, I move to admit
22 Government Exhibit F-10.

23 MR. ANDREW BIRRELL: No objection, Your Honor.

24 THE COURT: F-10 is admitted and may be published.

25 BY MR. THOMPSON:

1 Q. And then finally --

2 MR. THOMPSON: Before I publish that one, Your
3 Honor, I'll admit a different one, which is Government
4 Exhibit F-1p.

5 BY MR. THOMPSON:

6 Q. And are these claims, a handful of claims, for a site
7 called Shamrock Court?

8 A. Yes.

9 Q. And these, again, came -- these are produced by Partners
10 in Nutrition in response to a grand jury subpoena?

11 A. Correct.

12 MR. THOMPSON: Your Honor, I'd also move to admit
13 Government Exhibit F-1p then.

14 MR. ANDREW BIRRELL: No objection, Your Honor.

15 THE COURT: F-1p is admitted and may be published.

16 BY MR. THOMPSON:

17 Q. Okay. We'll start with F-1o, Agent Kary. And these,
18 again, are for September. Start on page 5 here. Claims for
19 the As-Sunnah site on November -- or September 1st, 2021; is
20 that correct?

21 A. Yes.

22 Q. And what do we see?

23 A. We see meal type claims, breakfast and lunch. And the
24 first few days of September consistent meal counts per day
25 of 2,001, Wednesday through Saturday, for a total of that

1 first few days of 8,004 claimed for the week.

2 Q. Okay. And who is listed as the site supervisor on these
3 claims?

4 A. Mr. Abdimajid Nur.

5 Q. It says 8,004, four days, SFSP. SFSP, that's the Summer
6 Food Service Program?

7 A. Correct.

8 Q. So is there a reason there's only four days here in
9 September?

10 A. I believe that's -- as described previously, that the
11 Summer Food Program ends.

12 Q. Okay. Page 6 here, another -- more meal count sites --
13 or meal counts for the Clifton Townhome site in
14 September 2021?

15 A. Correct.

16 Q. A thousand a day?

17 A. Yes.

18 Q. Abdimajid Nur?

19 A. Yes.

20 Q. Similarly at page 8, the Winfield site; is that correct?

21 A. Correct.

22 Q. Who signed off on those?

23 A. Mr. Abdimajid Nur.

24 Q. And then at page 9, the Samaha site, what do we have
25 here?

1 A. Again, another meal counts sheet with the meal type of
2 breakfast and lunch, meal counts of 1513 per day, this first
3 week or first few days of September, and for a total of
4 6,052 claimed meals signed by site supervisor Mr. Abdimajid
5 Nur.

6 Q. Thank you, Agent Kary.

7 One moment, Your Honor.

8 Now, Agent Kary, you talked earlier about how
9 sites related to Empire Cuisine & Market were sponsored by
10 both Partners in Nutrition and Feeding Our Future; is that
11 right?

12 A. Correct.

13 Q. Would you describe the general breakdown in terms of
14 percentage wise or number?

15 A. I'm not certain on the total percentage number
16 breakdown, as far as the granular detail, but I do know a
17 large volume was Partners in Nutrition, the sponsor that
18 Empire engaged with as a vendor, but they did receive funds
19 from the sponsor Feeding Our Future as well.

20 Q. So they had some sites under the sponsorship of Feeding
21 Our Future --

22 A. They did.

23 Q. -- is that right? And one of those sites was the
24 Dar Al-Farooq site; is that right?

25 A. Correct.

1 Q. And I want to show you some emails that were obtained
2 about the formation of that site. Okay? And just talk a
3 little bit about that site. Okay?

4 A. Sounds good.

5 Q. Is that a significant site in the investigation?

6 A. It is.

7 Q. How so?

8 A. It is because of the large meal count claims and sort of
9 the money that was reimbursed related to that site.

10 Q. Okay. So let's -- I'm going to show you an email here,
11 Government Exhibit C-319, which is not yet in evidence.

12 Do you recognize Government Exhibit C-319?

13 A. I do.

14 Q. What is it?

15 A. It is an email that was obtained via a grand jury
16 subpoena to Partners in Quality Care, and the email is
17 between Kara Lomen, Mahad Ibrahim and Abdiaziz Farah.

18 Q. And this was produced by Partners in Nutrition
19 responsive to a grand jury subpoena?

20 A. Correct.

21 MR. THOMPSON: Your Honor, I move to admit
22 Government Exhibit C-319.

23 THE COURT: Any objection?

24 MR. ANDREW BIRRELL: I'm looking at it. No
25 objection, Your Honor.

1 THE COURT: Thank you.

2 C-319 is admitted and may be published.

3 BY MR. THOMPSON:

4 Q. All right. Agent Kary, first off, let's just take it to
5 the top here. And just can you orient us in terms of the
6 who, what, where and why of this email?

7 A. This email was sent on November 30th, 2020. It was sent
8 from Mr. Mahad Ibrahim to Kara Lomen, Mr. Abdiaziz Farah and
9 two other individuals from Partners in Nutrition with a
10 subject line: Traveling Starting Tomorrow Till Next Week.

11 Q. Okay. And it begins, "Hi, Kara. I'm out on vacation
12 starting tomorrow, but I wanted to reach out on a few
13 issues." Is that right?

14 A. Correct.

15 Q. And let's start here with the second bullet point. Can
16 you read the second bullet point?

17 A. "The issue with Dar Al-Farooq has become a bit bigger
18 than just that site. The Imam contacted other mosques, and
19 they all realized they were registered as sites without
20 their knowledge. This has caused a bit of an uproar. Would
21 you be willing to meet with Imam Omar at Dar Al-Farooq? He
22 is nervous about requesting a transfer from Feeding the
23 Future, even though he never explicitly authorized that
24 site. And as far as they know, food is not being
25 distributed."

1 Q. Okay. So he's -- Mahad Ibrahim is reaching out about a
2 site at Dar Al-Farooq; is that right?

3 A. Correct.

4 Q. It looks like the rest of the email similarly is
5 discussing what here?

6 A. It's discussing two additional addresses related to
7 sites.

8 Q. So Mahad Ibrahim is reaching out to Kara Lomen about new
9 sites, including Dar Al-Farooq; is that right?

10 A. Correct.

11 Q. Okay. I'm going to show you now what's been marked, but
12 not admitted, as Government Exhibit C-320.

13 Do you recognize Government Exhibit C-320?

14 A. I do.

15 Q. And is this an email that was obtained pursuant to a
16 search of Mukhtar Shariff's email account?

17 A. It's either an email obtained via that email search
18 warrant or the email search warrant of Aimee Bock's email
19 address at Feeding Our Future.

20 Q. And did you obtain search warrants to search each of
21 those accounts during the investigation?

22 A. We did.

23 Q. And this is an email from Mukhtar Shariff to Aimee Bock
24 at Feeding Our Future, correct?

25 A. Correct.

1 MR. THOMPSON: Your Honor, I move to admit
2 Government Exhibit C-320.

3 MR. ANDREW BIRRELL: I have no objection.

4 MR. MOHRING: No objection, Your Honor.

5 THE COURT: C-320 is admitted and may be
6 published.

7 BY MR. THOMPSON:

8 Q. Agent Kary, again, can you orient us -- orient us in
9 terms of this email and who sent it and when?

10 A. Yes. Email is from Mr. Mukhtar Shariff to Aimee Bock at
11 Feeding Our Future. And the subject is Site Transfer
12 Request Form, Dar Al-Farooq, dated Friday, December 18th,
13 2020, with an attachment with the title Site Transfer
14 Form 2019 Complete.

15 Q. Okay. First off, who is Mukhtar Shariff? Do you know
16 him?

17 A. I do.

18 Q. As part of the investigation?

19 A. As part of the investigation, yes.

20 Q. Is he one of the defendants in this case?

21 A. That's correct.

22 Q. Do you see him in the courtroom today?

23 MR. MOHRING: Your Honor, we'll stipulate to
24 identification.

25 THE COURT: The record will reflect identification

1 of Mr. Shariff.

2 MR. THOMPSON: Thank you, Your Honor.

3 BY MR. THOMPSON:

4 Q. Okay. Agent Kary, the emails to Aimee Bock, could you
5 read -- or I'll read it for you, how about.

6 "This is Mukhtar Shariff, assistant director at
7 Dar Al-Farooq Center. It's a pleasure to meet you" --
8 "e-meet you. I've attached the site transfer request form
9 for your reference. When do you think you will have a
10 chance to get this complete on your end? I'd love to get
11 this completed today. Please let me know. Thank you."

12 This seems to allude to something that Mr. Ibrahim
13 had said in his email earlier; is that right?

14 A. Correct, about the site transfer.

15 Q. And the site transfer is -- what do you mean when you
16 say "site transfer"?

17 A. Based on the investigation, this indicates that they
18 transfer sponsors, meaning come over from Partners in
19 Nutrition to Feeding Our Future.

20 Q. Or vice versa I think you mean, right?

21 A. Correct.

22 Q. And looking here at page 3 is the attachment. And it's
23 a site transfer request form; is that correct?

24 A. Correct.

25 Q. And the name of the site is Dar Al-Farooq; is that

1 right?

2 A. Yes.

3 Q. The current sponsor is Feeding Our Future?

4 A. Yes.

5 Q. And what's the site address?

6 A. 8201 Park Avenue South in Minneapolis.

7 Q. Okay. And who -- to whom or to which entity is
8 Mr. Shariff seeking to transfer the site to, which sponsor?

9 A. To Partners in Quality.

10 Q. Okay. And he -- it looks like Mukhtar Shariff signed as
11 the site's authorized representative?

12 MR. MOHRING: Objection, Your Honor. Misstates
13 and foundation.

14 BY MR. THOMPSON:

15 Q. Above the line where it says Signature of Site
16 Authorized Representative, what does it say, Agent Kary?

17 A. Appears to say "Mukhtar."

18 Q. Okay. And what's the date?

19 A. November 24th, 2020.

20 Q. Okay. And just to be clear, this was attached to an
21 email sent by who?

22 A. Mr. Mukhtar Shariff.

23 Q. Okay. On December 18th of 2020; is that right?

24 A. Correct.

25 Q. Okay. Agent Kary, I'd now like to show you another

1 email that's not in evidence yet. That's not it. Which is
2 Government Exhibit G-110.

3 Is this another email that was obtained pursuant
4 to an email search warrant?

5 A. Yes.

6 Q. And this is an email from Mahad Ibrahim to Mukhtar
7 Shariff, correct?

8 A. Correct.

9 Q. And both of their individual gmail accounts?

10 A. That is correct.

11 Q. And did you in fact obtain a search warrant -- a warrant
12 to search each of their email accounts?

13 A. We did.

14 Q. And this is one of the emails you found during those
15 searches?

16 A. Yes.

17 MR. THOMPSON: Your Honor, I move to admit
18 Government Exhibit G-110.

19 MR. MOHRING: No objection, Your Honor.

20 THE COURT: G-110 is admitted and may be
21 published.

22 MR. THOMPSON: Thank you.

23 BY MR. THOMPSON:

24 Q. Agent Kary, can you describe what we see on the screen
25 here?

1 A. It appears to be an email from Mahad Ibrahim to
2 Mr. Mukhtar Shariff, with the subject line: Pitch link,
3 need to add financials but ran out of energy tonight. It's
4 dated Thursday, December 31st, 2020.

5 Q. Okay. And attached to it is a PowerPoint presentation;
6 is that right?

7 A. Correct.

8 Q. Take this starting at the second page -- or the first
9 page of the PowerPoint, could you describe it for us?
10 What's the title of the PowerPoint?

11 A. The title is Where Minnesota Meets Africa.

12 Q. Okay. And it's -- it says "Restaurant, Event Space,
13 Catering, Food Service, Delivery and Takeout"?

14 A. Correct.

15 Q. And what's the name of this entity?

16 A. Afrique.

17 Q. Proposed entity. Okay.

18 And on page 3 what do we see?

19 A. A mission statement, which states, "Promote African
20 culture, community and economic empowerment through
21 innovative cuisine and experiences."

22 Q. And the third page of the PowerPoint here discusses the
23 revenue model for this Afrique project; is that right?

24 A. Correct.

25 Q. And can you describe what's discussed on this PowerPoint

1 slide?

2 A. Under the Revenue Model it states, "Hedge risk and
3 volatility of hospitality business with large, consistent
4 revenues from food service contracts, CACFP and SFSP."

5 Q. And what are the CACFP and the SFSP?

6 A. The Federal Child Nutrition Programs that we've been
7 discussing.

8 Q. Okay. Afrique itself, what is Afrique?

9 A. It is an entity that -- I forget when it was created,
10 but it's an entity started by Mr. Mukhtar Shariff.

11 Q. And what kind of entity was it to be?

12 A. To be an event center in Bloomington and also
13 purportedly to vend and provide food related to the Federal
14 Child Nutrition Program.

15 Q. Okay. And this catering event center is this big thing
16 here, and this is discussed in the revenue; is that right?
17 The revenue model here on this PowerPoint presentation?

18 A. Yes.

19 Q. This is a pitch deck for this Afrique idea, correct?

20 A. It appears to be, yes.

21 Q. And by "pitch deck," I mean a PowerPoint.

22 A. Correct.

23 Q. Okay. And the revenue model goes on, "Restaurant and
24 delivery/takeout operation to build brand awareness." Is
25 that right?

1 A. Yes.

2 Q. And then, "Catering and events to maximize profits."

3 A. Yes.

4 Q. And on the right here, can you take us through the three
5 boxes?

6 A. The top box is Catering and Events, major driver of
7 profits through high margin services.

8 And then the second box, Restaurants and
9 Delivery/Takeout, building brand awareness and loyalty.

10 And the last box, Food Service, consistent revenue
11 to cover overhead and labor costs.

12 Q. And that goes to this thing on the left here, the
13 hedging the risk and the volatility of the hospitality and
14 event service business with the revenues from the Child
15 Nutrition Program?

16 A. Correct.

17 Q. All right. The PowerPoint goes on here to talk about
18 the proposed Afrique business model; is that right?

19 A. Correct.

20 Q. And the opportunity here is East African restaurant,
21 correct?

22 MR. MOHRING: Objection. Leading, Your Honor.

23 THE COURT: Sustained.

24 BY MR. THOMPSON:

25 Q. What does it say, Agent Kary?

1 A. The opportunity. It states that "East African food in
2 Twin Cities is heavily concentrated in Minneapolis." And
3 goes on to say, "Afro Deli & Grill remains the only East
4 African aimed in the mainstream palette."

5 Q. Then it says -- what does it say after that?

6 A. "The south metro has zero presence of East African
7 food."

8 Q. And where was Afrique to be located, what city?

9 A. Bloomington.

10 Q. And is Bloomington in the south metro?

11 A. It is.

12 Q. And then it goes on, the PowerPoint, to discuss
13 Mr. Shariff's restaurant idea?

14 A. Correct.

15 Q. And what does he say about his idea?

16 A. It states the fast casual service. High margins,
17 35 percent plus; high throughput, 80 plus covers per hour;
18 consistent and replicable; process driven, not chef driven.

19 Q. Okay. And then the next page of the PowerPoint
20 discusses the proposed event center at Afrique; is that
21 correct?

22 A. Correct.

23 Q. Can you summarize what it says here on the PowerPoint?

24 A. It discusses on the PowerPoint 3,000 square foot of
25 event space, rental income primary source of revenue, and

1 then tailored to different types of events, including
2 weddings, corporate conferences, in-house catering boosts
3 profit margins, establishing vendor relations critical to
4 success, Twin Cities has a lack of affordable venues.

5 Q. Okay. And then there's a -- the next page of the
6 PowerPoint discusses the catering business of Afrique; is
7 that correct?

8 A. Correct.

9 Q. And the pitch is that there's over 40 large companies
10 within ten miles of Afrique's proposed location; is that
11 correct?

12 A. Correct.

13 Q. It continues on that the average corporate catering
14 order is over \$1500; is that right?

15 A. Yes.

16 Q. And that such orders provide a guaranteed profit
17 percentage?

18 A. Yes.

19 Q. And that if you had a high-end commercial kitchen
20 catering, delivery would be easy and efficient, correct?

21 A. Correct.

22 Q. Now, the next slide of the PowerPoint discusses the role
23 of the Child Nutrition Program in the Afrique business
24 model; is that right?

25 A. Yes.

1 Q. And, specifically, it talks about having "2500 kids
2 daily worth of food service contracts using" Child and Adult
3 Care Food Program -- under the Child and Adult Care Food
4 Program and the Summer Food Program Service; is that
5 correct?

6 A. Correct.

7 Q. And it describes those programs as "Federal program with
8 regular reimbursement for food provided"; is that right?

9 A. Yes.

10 Q. Does it talk about the cost of delivery?

11 A. Yes.

12 Q. What does it say, the next bullet point?

13 A. "Targeted all in cost of delivery, \$2.78 and \$3.69,
14 inclusive of profit margin."

15 Q. And then it goes on, the next bullet point, "Consistent
16 revenues to cover core overhead and staffing costs." Is
17 that correct?

18 A. Correct.

19 Q. Which reduces the "pressure on other outlets."

20 A. Yes.

21 Q. Again, "Presence of high-end commercial kitchen makes
22 catering delivery easy and efficient."

23 MR. MOHRING: Objection. Leading.

24 THE COURT: Sustained.

25 BY MR. THOMPSON:

1 Q. Do you want to read the last two bullet points,
2 Agent Kary?

3 A. "Consistent revenue to cover core overhead and staffing
4 costs, reducing pressure on other outlets. Presence of
5 high-end commercial kitchen makes catering delivery easy and
6 efficient."

7 Q. What are the other outlets that are proposed in the
8 PowerPoint that the food -- the Child Nutrition Program
9 funds are going to reduce the pressure on?

10 A. The overhead costs.

11 Q. Of the catering and the other stuff?

12 A. Correct.

13 Q. All right. The PowerPoint then identifies the team
14 behind the Afrique business model; is that right?

15 A. Yes.

16 Q. And who is identified here first?

17 A. Mr. Mukhtar Shariff.

18 Q. And last?

19 A. Mr. Mohamed Ibrahim.

20 Q. Mahad Ibrahim?

21 A. Mahad Ibrahim, yes.

22 Q. Is that -- who is Mahad Ibrahim, just to remind the
23 jury?

24 A. He's an individual that founded Mind Foundry and
25 ThinkTechAct, the individual that was on those Secretary of

1 State documents related to those entities.

2 Q. Okay. All right. The next slide in the PowerPoint
3 talks about milestones and the process of building the
4 Afrique Event Center; is that correct?

5 A. Correct.

6 Q. And what's the first milestone listed?

7 A. January 2021 investment secured.

8 Q. How about February 2021?

9 A. It indicates architectural plans completed, construction
10 bids sought.

11 Q. March 2021?

12 A. It indicates construction starts, menu testing.

13 Q. May 2021?

14 A. Soft opening.

15 Q. June 2021?

16 A. Indicates full opening.

17 Q. And then the next page here identifies key assumptions
18 behind this business model?

19 A. Correct.

20 Q. And one of them says Restaurants, number of covers. Do
21 you know what a cover is?

22 A. Number of individuals, the cover charge.

23 Q. Okay. Restaurant, Events, Catering. What's the last
24 one here?

25 A. Food service.

1 Q. And what do we got listed Monday, Tuesday, Wednesday,
2 Thursday, Friday, Saturday, Sunday?

3 A. 2500.

4 Q. 2500 kids or meals?

5 A. Presumably, based on the investigation.

6 MR. MOHRING: Speculation.

7 THE COURT: Overruled. The answer will stand.

8 BY MR. THOMPSON:

9 Q. And who is listed as the CEO of Afrique?

10 A. Mr. Mukhtar Shariff.

11 Q. It describes here on the PowerPoint his background; is
12 that correct?

13 A. Correct.

14 Q. Okay. Now, Agent Kary, I want to show you another
15 exhibit here, which is Exhibit B-8, which is not yet in
16 evidence.

17 We were just talking about Afrique, the Afrique
18 vision; is that right?

19 A. The pitch book, yes.

20 Q. Okay. Government Exhibit B-8 is a -- well, let me ask
21 you. Did Mr. Shariff later form a company called Afrique?

22 A. Correct.

23 Q. Okay. And Government B-8, Exhibit B-8, is that the
24 Secretary of State filing for the company?

25 A. I believe so. Could you page down? Yes.

1 Q. And this was obtained from the Minnesota Secretary of
2 State pursuant to a grand jury subpoena?

3 A. Correct.

4 MR. THOMPSON: Your Honor, I move to admit
5 Government Exhibit B-8.

6 MR. MOHRING: No objection.

7 THE COURT: B-8 is admitted and may be published.

8 BY MR. THOMPSON:

9 Q. And, Agent Kary, I'm showing you on the screen
10 Government Exhibit B-8, which is another Secretary of State
11 incorporation document; is that right?

12 A. Correct.

13 Q. And show you the articles of organization there. What's
14 the limited liability company name?

15 A. Afrique Hospitality Group LLC.

16 Q. And the address?

17 A. 1701 American Boulevard East, Number 15A, Bloomington,
18 Minnesota.

19 Q. And the organizer is a man named Mahad Omar; is that
20 correct?

21 A. Correct.

22 Q. And whose email address is listed for the official
23 notices to this new Afrique Hospitality Group company?

24 A. Mr. Mukhtar Shariff.

25 Q. Thank you, Agent Kary.

1 THE COURT: Mr. Thompson, when you get to a
2 stopping place.

3 MR. THOMPSON: Yes, this is a good spot, Your
4 Honor.

5 THE COURT: All right. We'll end here for the
6 day. I'll see you all back here at 9:00 tomorrow morning.

7 Everyone, have a good evening. Thank you.

8 All rise.

9 **IN OPEN COURT**

10 **(JURY NOT PRESENT)**

11 THE COURT: All right, everyone.

12 We're off the record.

13 (Court adjourned at 4:59 p.m., 05-01-2024.)

14 * * *

15 I, Renee A. Rogge, certify that the foregoing is a
16 correct transcript from the record of proceedings in the
17 above-entitled matter.

18 Certified by: /s/Renee A. Rogge
19 Renee A. Rogge, RMR-CRR

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