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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),)	Tuesday, May 14, 2024
Said Shafii Farah(5),)	9:03 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 XVI OF XXX

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

* * *

Proceedings recorded by mechanical stenography;
Transcript produced by computer.

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* * *

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IN OPEN COURT**(JURY NOT PRESENT)**

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2
3 THE COURT: We do have the jury outside in the
4 hallway, but my understanding is that someone wanted to
5 raise something before they came in.

6 Am I correct about that or not? Not?

7 MR. MOHRING: Your Honor, there's a pending motion
8 in limine. I would like to speak to the government and
9 reply to the government's response. It doesn't have to be
10 now.

11 THE COURT: When do we take -- I've read the
12 briefs. When do we think that that's going to come due?

13 MR. THOMPSON: Your Honor, we have one lay witness
14 that we're going to put on before we get to the agent who
15 will testify about these text messages. I do not expect
16 this text message to come in at least until after the break,
17 perhaps after lunch.

18 THE COURT: All right. Let's address it at the
19 break then, since we've got the jury waiting. Thank you.

20 MR. MOHRING: Thank you.

21 COURTROOM DEPUTY: All rise for the jury.

22 9:04 a.m.

IN OPEN COURT**(JURY PRESENT)**

23
24
25 THE COURT: You may all be seated.

1 And the government may call its next witness.

2 MR. THOMPSON: Thank you, Your Honor. The
3 government calls Dinna Wade-Ardley.

4 THE COURT: Good morning. I'm going to have you
5 stand to take the oath. Okay? Would you raise your right
6 hand.

7 DINNA WADE-ARDLEY,
8 called on behalf of the government, was duly sworn, was
9 examined and testified as follows:

10 THE WITNESS: I do.

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

12 And when you are seated, could you please state
13 and spell both your first and last name for the record.

14 THE WITNESS: My name is Dinna Wade-Ardley.
15 D-I-N-N-A. Last name Wade, W-A-D-E, hyphen, A-R-D-L-E-Y.

16 THE COURT: Thank you.

17 You may inquire, Mr. Thompson.

18 MR. THOMPSON: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MR. THOMPSON:

21 Q. Good morning, Ms. Wade-Ardley. How are you?

22 A. I'm good.

23 Q. A little nervous this morning?

24 A. Yes, sir.

25 Q. Okay. Fair enough. I'm just going to ask you a few

1 questions. Okay?

2 Let's take it from the top. Where are you from?

3 A. I'm from Clovis, New Mexico.

4 Q. Were you born and raised in New Mexico?

5 A. Yes, sir.

6 Q. When did you leave New Mexico?

7 A. In 19- -- oh, 1980.

8 Q. You went to high school there, I take it?

9 A. Clovis, New Mexico.

10 Q. Clovis. How about -- what's your educational
11 background?

12 A. I have a bachelor's. I have an AA and a bachelor's in
13 sociology -- excuse me. I'm so nervous -- social working.
14 And then I went back and got my degree in education,
15 elementary education. Then I went to St. Mary's to get my
16 master's, and then I continued on at St. Mary's to get my
17 administrative license.

18 Q. You said you have an undergraduate degree in social
19 work; is that right?

20 A. Yes.

21 Q. What college is that from?

22 A. Eastern New Mexico University.

23 Q. And then you said you had a second bachelor's degree; is
24 that right?

25 A. Got that when I came back in education.

1 Q. And where did you get that degree?

2 A. That was from Manka- -- it's called -- it was Mankato
3 State University at that time.

4 Q. Okay. So you'd moved to Minnesota by then?

5 A. I did.

6 Q. What brought you from New Mexico?

7 A. I was married to a man who wanted to go to a Big Ten
8 college.

9 Q. University of Minnesota?

10 A. Yes, sir.

11 Q. Okay. Then you said you got a -- when did you get your
12 undergrad, your bachelor's in undergraduate education?

13 A. In education in 19- -- I started working in 19- -- I
14 went from 1990 to 1992.

15 Q. Okay. And how about your master's in education from
16 St. Mary's?

17 A. Oh, that seems so long ago. I can't even tell you, but
18 I would say in the late '90s, early 2000s.

19 Q. After you went back to school and got your degree in
20 education, did you go into the education field?

21 A. I did.

22 Q. Where did you begin?

23 A. I began in Bloomington Public Schools as a teacher.

24 Q. What grades did you teach?

25 A. I started off with -- it was a team called the 5/6

1 Connection, which was fifth and sixth graders. And then I
2 went to a team called 6D, and at that time it was the
3 intermediate school in Bloomington.

4 Q. How long were you a teacher?

5 A. I taught for three years before I was tapped to do
6 something different.

7 Q. And what was that?

8 A. To become the diversity coordinator for Bloomington
9 Public Schools. And I did that for a while, and then in
10 2000 -- and I know because that's when I had my son -- I
11 became the director of educational equity for Bloomington
12 Public Schools.

13 Q. And does that remain your current position?

14 A. It is, yes, sir.

15 Q. All right. So what do you do as the director of the
16 Office of Educational Equity --

17 A. I work for children and families, making sure that their
18 barriers are removed, that there's no bias, and make sure
19 that every kid gets what they need.

20 Q. Can you tell us a little bit about the Bloomington
21 Public School District?

22 A. We are a school district of three high schools, one is
23 an alternative, Jefferson, Kennedy, and then Choice is our
24 alternative. We have three middle schools, ten elementaries
25 and two pre-K schools.

1 Q. How many students are there total in the Bloomington
2 Public School District?

3 A. We are under 10,000 right now. We are losing
4 enrollment.

5 Q. Okay. What do you mean when you say you are "losing
6 enrollment"?

7 A. We are landlocked, and we have a lot of empty nesters
8 that love to be in Bloomington, and so that's a positive too
9 because it's a good place to be; however, their children
10 grow up and have children and move to other places, so we
11 have homes with no children in them.

12 Q. Okay. What's the effect on the district when you have
13 declining enrollment.

14 A. Our budget also declines.

15 Q. Has that been challenging for the district?

16 A. It is.

17 Q. How so?

18 A. I can speak for my budget. I have a budget that comes
19 from Department of Education; and as the enrollment
20 declines, so does my income from them. So I'm not able to
21 serve as many kids or do what I used to do for them.

22 Q. Okay. And let's talk a little about the schools that --
23 the students that you and your office serves. Okay?

24 A. Mm-hmm.

25 Q. Could you tell us a little bit about the demographics of

1 the Bloomington Public School District?

2 A. We are -- as of our October snapshot of 2023, we are
3 57 percent kids of color. Most of our kids of color are on
4 our east side, which is -- if you know Bloomington, there's
5 an east and a west side and the highway defines that. And
6 the east side is where we have our more affordable housing.

7 Q. Okay. And the highway being the Interstate 35W?

8 A. Yes, sir.

9 Q. Okay. So the east side is for affordable -- east side
10 of Bloomington is more affordable. How about the west side
11 of Bloomington?

12 A. The west side is beginning to have more affordable;
13 however, it still remains people who work and have incomes.

14 Q. Okay. And the east side, that's the Mall of America
15 side, for --

16 A. Yes.

17 Q. -- lack of a better term. Okay.

18 You said it's 57 percent students of color. How
19 about are there children that speak different languages in
20 the district?

21 A. Oh, yes. We have over 70 languages spoken; however, we
22 only translate into our top three, that is Somali, that is
23 Spanish and Vietnamese.

24 Q. You said you translate into those languages. What does
25 that mean?

1 A. We translate all kinds of materials. Anything that goes
2 home to our families also goes out in those languages.

3 Q. And do you work with the -- the students of color and
4 the students that speak other languages in your office?

5 A. Oh, I do. I work with all children.

6 Q. And what kind of services does the Office of Educational
7 Equity provide to students?

8 A. We provide student equity teams, which is groups that we
9 have in the schools. We have a Saturday school that we
10 have. It's called the OAE Leadership Academy. We work with
11 the kids, helping them with whatever they need, their
12 families. We have family groups that we work with. We
13 do -- we try to remove barriers and make it easier for our
14 families to attend Bloomington Public Schools and make them
15 feel welcome.

16 Q. Does Bloomington participate in the Child Nutrition
17 Program?

18 A. Yes, they did.

19 Q. They did or they do or --

20 A. I can just tell you what I know.

21 Q. Yeah.

22 A. I know that during COVID we gave food out at Kennedy,
23 Valley View Middle School, and one of our elementaries, if
24 I'm not mistaken.

25 Q. Okay.

1 A. And those were lunches from the kitchen, prepared
2 lunches.

3 Q. Well, let's talk about COVID. You were working for the
4 Bloomington Public School District when COVID started in the
5 spring of 2020?

6 A. Yes, sir.

7 Q. Could you tell us a little bit about how that affected
8 you and the school district?

9 A. We closed schools, and they all -- the students went to
10 online learning; however, that did not stop our work because
11 when we went -- we went so quickly to online. Some kids
12 were not able to get their computers, so we were able to
13 deliver computers to homes, go and help set up computers
14 with our tech department. We did -- hole fillers, is what
15 we did. We checked to fill the holes that were left
16 uncovered.

17 Q. You said "hole fillers"?

18 A. Mm-hmm.

19 Q. Could you explain that a little bit?

20 A. We did everything we can, transportation to getting
21 computers, pencils, papers, whatever we need to help our
22 community be successful.

23 Q. Are there other ways in which you worked with students
24 after COVID hit when they were no longer in person learning?

25 A. Mm-hmm. We gave food out from our kitchen to Georgetown

1 Townhomes, and that's one of our largest townhomes in
2 Bloomington with our families that are high need. And so we
3 took meals to their homes, to their doors.

4 Q. Okay. I want to just kind of unpack that a little bit.
5 The Georgetown Townhomes, you said that's a large -- large
6 complex?

7 A. Yes, sir.

8 Q. Can you describe it for the jury?

9 A. I can't remember how many, but there's quite a few
10 townhomes, and it's all outdoor. So we delivered food. We
11 never went in. We just went to the door. They would answer
12 the door. They'd tell us how many kids they had. We'd give
13 them food that they needed -- and this was prepared food
14 from the kitchen, and then we would go to every door. And
15 if they had COVID, they would let us know and we would just
16 put the food out on the step and then they would come out
17 and get it.

18 Q. When you say "on the step," on the step of their
19 apartment door?

20 A. Yes, of their townhomes, their hou- -- they're
21 townhomes.

22 Q. So this was home -- personal home delivery to students?

23 A. Yes, yes.

24 Q. And these were Bloomington Public School --

25 A. Yes, because everyone doesn't have transportation, and

1 we removed barriers.

2 Q. And you said "we." Did you participate in this
3 distribution of food at --

4 A. Absolutely. I was there, mm-hmm.

5 Q. How so?

6 A. We -- the district gave us a truck with food in it, and
7 we actually knocked on doors. I was with them. If my team
8 does it, I do it. We went to doors, we delivered food, we
9 talked to families. We let them know that we're there for
10 them and that we are thinking about them.

11 Q. Did all the kids at the Georgetown Townhomes take the
12 food?

13 A. Everybody that we went to, yes.

14 Q. Did -- can you talk a little bit about the logistics of
15 distributing food at the Georgetown Townhomes?

16 A. Yes. It was quite an undertaking, but we would -- the
17 truck would go with us, and then we would run back to the
18 truck, back and forth to the truck. So it was a lot of
19 energy during the hot weather getting food to our families,
20 asking them if they needed anything else, those kinds of
21 things.

22 Q. You said that you and your team participated in this --

23 A. Mm-hmm.

24 Q. -- distribution. Can you tell us about your team?

25 A. We have a team of 20, not all of them will work on

1 Saturdays; or during that time when they were working, we
2 all delivered to Georgetown because that was what they were
3 required to do.

4 Q. That was what they did for their paycheck?

5 A. Mm-hmm. Mm-hmm.

6 Q. Okay. How often did you --

7 THE COURT: Wait. I'm just going to interrupt for
8 just a minute. When you say "mm-hmm," if that's a "yes,"
9 can you say "yes" instead of --

10 THE WITNESS: Yes, I will. Thank you.

11 MR. THOMPSON: Thank you, Your Honor.

12 BY MR. THOMPSON:

13 Q. Ms. Wade-Ardley, how often did you and your team deliver
14 food to the Georgetown Townhomes?

15 A. I'm going to say twice a week, but, to be honest, I
16 can't remember, but it was frequently.

17 Q. Did you work -- well, let me stop.

18 How many -- do you have a sense of how many kids
19 lived at the Georgetown Townhomes, Bloomington Public School
20 kids?

21 A. I don't, but I know that there's quite a few kids that
22 attend Kennedy, Valley View Middle School, and Indian Mounds
23 because -- and Valley View Elementary because of the
24 location of the townhomes.

25 Q. And that's on the east side of Bloomington?

1 A. Yes.

2 Q. Did you and your team work with the property manager at
3 the Georgetown Townhomes in distributing food?

4 A. Yes, sir, I did. I worked with the property manager. I
5 had a working -- I had a relationship with her. We had done
6 many things at Georgetown before.

7 Q. Could you tell us about the things you had done at
8 Georgetown before?

9 A. Mm-hmm. We used to help with homework. St. Michael's
10 Church would do homework, and we would also do clubs there.
11 We would also -- we had a Bloomington Learning LinkUp, which
12 was a community celebration there and they had a lot of
13 space. The City of Bloomington and Bloomington Public
14 Schools pulled together, and we celebrated the community
15 there, right there in Georgetown.

16 Q. When you did activities at Georgetown Townhomes, would
17 you -- was there someone you would talk to to arrange that?

18 A. Yes. The property manager.

19 Q. Okay. And how would you go about if you wanted to do an
20 activity or a program at the townhomes?

21 A. I would talk to her and make sure it was something that
22 fell in line with what their vision was, and then they would
23 put it in their newsletter, and then we would go door to
24 door and put little flyers in the door.

25 Q. You said they have a newsletter? Can you tell us about

1 that?

2 A. I've never seen it. I just know that the -- the people
3 who lived there would tell us that they saw it.

4 Q. Okay.

5 A. But I'm told that they have a newsletter that goes out
6 so often with what's going on in the community.

7 Q. It's a pretty large complex?

8 A. Mm-hmm.

9 Q. When you started distributing food at Georgetown
10 Townhomes, did you talk to the property manager about that?

11 A. No, sir. I only talked with the -- oh, yes, the
12 property manager, not the owner. I was kind of confused
13 there. Yes, mm-hmm.

14 Q. Generally, what did you talk about and why?

15 A. If it was okay if we did it, because I had to have
16 permission. I don't just go anyplace and do things. If
17 that would be okay, and she said yes. And we set it up and
18 then we began serving the community.

19 Q. Did you do anything to get the word out and notify
20 people about the availability of meals?

21 A. Mm-hmm. She put it in the newsletter, and then we went
22 door to door and put flyers in the door.

23 Q. Of the --

24 A. The townhomes.

25 Q. The townhomes?

1 A. Mm-hmm.

2 Q. Okay. And then you said you -- you would go a couple
3 times a week; is that right?

4 A. Mm-hmm. Maybe more, but I can't remember. A couple
5 times.

6 Q. And were you notifying the property management about the
7 schedule?

8 A. Absolutely.

9 Q. Were there ever any issues that came up?

10 A. No. We also gave school supplies when needed.

11 Q. And how long -- that started in, what, March of 2020
12 when COVID hit?

13 A. Mm-hmm.

14 Q. How long did you continue to distribute food --

15 A. Yes.

16 Q. -- food at the Georgetown Townhomes?

17 A. I can't remember, but it was through the summer.

18 Q. And then the fall of 2021, what kind of learning
19 situation did Bloomington Public Schools have?

20 A. Um --

21 Q. I'm sorry. The --

22 MR. GOETZ: Objection. Vague.

23 MR. THOMPSON: The fall of --

24 THE COURT: Learning situation is the question.

25 Could you rephrase, please.

1 BY MR. THOMPSON:

2 Q. In the fall of 2020, did kids go back to school?

3 A. I can't remember, but I'll say yes.

4 Q. Okay. It was like a lot of school districts, a little
5 catch-as-catch-can?

6 A. Yes, sir.

7 Q. Okay. In addition to your team's distribution of food
8 at the Georgetown Townhomes, did the Bloomington Public
9 Schools have other food distribution means during the early
10 days of COVID?

11 A. Yes, sir. We had pickup sites for food, the same food
12 that we were delivering to the homes, at Valley View Middle
13 School, Kennedy High School, and one of our elementary
14 schools.

15 Q. Okay. You said, first off, you said the same food that
16 you were distributing at the Georgetown Townhomes.

17 A. Yes, sir.

18 Q. Can you tell us about the type of food that you were
19 delivering at the various sites?

20 A. It was food that came from our kitchens at the schools.

21 Q. The kitchens that serve school lunch normally?

22 A. Yes, sir.

23 Q. And what kind of food was it? Was it hot food? Was it
24 groceries?

25 A. It was cooked food.

1 Q. In individual, like, packaged meals?

2 A. Yes, sir.

3 Q. All right. So you said there was three distribution
4 sites that were run by the Bloomington Public School
5 District during COVID?

6 A. Yes, sir.

7 Q. I think you named first Bloomington Kennedy?

8 A. Yes, sir.

9 Q. And for those who aren't familiar with Bloomington
10 Kennedy --

11 A. Bloomington Kennedy is our high school that's on the
12 east side of town, and it has a very high enrollment of
13 students that speak a different language and are people of
14 color.

15 Q. Okay. And can you tell us about the food distribution
16 at Bloomington Kennedy High School by the school district?

17 A. Yes. The cars would drive up to get it, and we would
18 take the food to the cars and either put it in the trunk or
19 the backseat.

20 Q. And how often was that -- was food distributed at
21 Bloomington Kennedy High School?

22 A. I believe they did that every day.

23 Q. Do you have a sense of how, how many people would come
24 to that?

25 A. I do not.

1 Q. Did it fluctuate over time, these food distribution
2 efforts?

3 A. Yes, sir, it did. At the beginning we had more cars
4 coming than we did at the end.

5 Q. And would that change from day to day, week to week?

6 A. Yes, sir.

7 Q. You said there was two other sites, an elementary school
8 and a middle school; is that right?

9 A. Yes.

10 Q. I think you said Valley View Middle School?

11 A. Yes, sir.

12 Q. What's that?

13 A. It's our middle school that feeds Kennedy, and it's also
14 like 78 percent kids of color with various languages.

15 Q. Also on the east side of Bloomington?

16 A. Yes, sir.

17 Q. And how often did Bloomington Public Schools distribute
18 meals at Valley View Middle School during CO- --

19 A. That was daily as well.

20 Q. And then there was also an elementary school?

21 A. Yes.

22 Q. Which elementary school?

23 A. I'm guessing Washburn.

24 Q. Where is Washburn Elementary?

25 A. Kind of in the middle, but, really, if you look at it,

1 it's west side.

2 Q. Okay. And how often was food distributed at the
3 elementary school?

4 A. Every day.

5 Q. And that's by the school district?

6 A. Yes.

7 Q. Did you and your team participate in those
8 distribution -- those pickup sites?

9 A. We did at the middle school and the high school. The
10 elementary school didn't have as many participating as the
11 two others.

12 Q. Okay. Ms. Wade-Ardley, I want to change gears here.
13 It's my understanding that at some point during COVID
14 another group, an outside group approached you about working
15 with the school district to distribute food; is that
16 correct?

17 A. Yes, sir.

18 Q. I'll let you get your water here.

19 A. I am -- I'm sorry. I apologize.

20 Q. It's okay.

21 Okay. So another group approached you at some
22 point; is that right?

23 A. Yes, sir.

24 Q. When was that?

25 A. January of 2021, is what I remember.

1 Q. And who approached you?

2 A. A friend. He was -- I call him a friend. He worked for
3 me in the Bloomington Public Schools and then had left, and
4 he was in the community doing some great work, and -- Khalid
5 Omar.

6 Q. Khalid Omar?

7 A. Mm-hmm.

8 Q. When Khalid Omar approached you in January of 2021, what
9 was his idea?

10 A. Had an idea that they could give us food to give to our
11 families during a really rough time.

12 Q. Still during COVID?

13 A. Still during COVID.

14 Q. And who -- he said "they" could give you food. Who was
15 "they"?

16 A. He had a partner that he worked with, Shariff, that I
17 was introduced to.

18 Q. What was your reaction to Mr. Omar's proposal?

19 A. Actually, I was excited about it because we removed
20 barriers; and if we're removing a barrier, food is a huge
21 barrier.

22 Q. Okay. You were interested. So what did you do? What
23 was your first step?

24 A. We met online. We talked about how it would look, what
25 would be happening, when it would start, and we set up a

1 date and we began.

2 Q. Did you -- you were working -- were you approached as an
3 employee of the Bloomington Public School District?

4 A. Yes.

5 Q. Did you talk to anyone else at the district about this
6 plan?

7 A. Yes. I do nothing without talking to my administrative.

8 Q. Who did you talk to?

9 A. I talked to the superintendent.

10 Q. And they were on board with the proposal?

11 A. Yes.

12 Q. Okay. So can you tell us about -- they approached you
13 in January of 2021. You thought it was a good idea. You
14 talked to administration. You said, let's do this. So what
15 happened?

16 A. They began to drop off the food. So they would drop off
17 the food earlier. We would put out signs and let our
18 community know that we were going to give out food. We put
19 out signs so they would know where to come. And the truck
20 would come; it would -- it would be packed. We'd take the
21 food off the truck; and then when the cars came, we would
22 deliver the food to the families.

23 Q. Okay. And how often was food delivered to be
24 distributed?

25 A. To the children?

1 Q. Correct.

2 A. Weekly on Saturdays.

3 Q. And who -- where was this distribution? Where did it
4 happen?

5 A. At Oak Grove Middle School.

6 Q. What and where is Oak Grove Middle School?

7 A. Oak Grove Middle School is on 106th Street, and it's
8 kind of in the middle of -- it's where the administrative
9 offices are.

10 Q. Of the Bloomington Public Schools?

11 A. Yes.

12 Q. Okay. So this -- and these distributions occurred on
13 Saturdays; is that right?

14 A. Yes.

15 Q. How regularly?

16 A. Every Saturday.

17 Q. Okay. So you said a truck would arrive with food?

18 A. Mm-hmm.

19 Q. And who would bring the food?

20 A. Shariff's organization.

21 Q. Okay. And do you know what organization that was?

22 A. I did not.

23 Q. Upon arrival at Oak Grove Middle School, what happened?

24 A. We would unpack the truck. My team and I would unpack
25 the truck. And then as the cars would come, we would get --

1 distribute the food to the families.

2 Q. And you said "we." Who was distributing the food and --
3 who was unpacking the truck and distributing the food?

4 A. OEE employees.

5 Q. Office of Educational Equity?

6 A. Yes.

7 Q. This is your -- you and your staff at the --

8 A. Me and my staff, yes, sir.

9 Q. Okay.

10 THE COURT: I'm going to just -- one more
11 reminder, okay? Not the "mm-hmm," but wait for Mr. Thompson
12 to finish his question and then you may answer, because our
13 court reporter is taking everything down. Thank you.

14 BY MR. THOMPSON:

15 Q. It's okay. It happens to lots of witnesses. It's
16 always the lawyer's fault, as the judge can tell you.

17 (Laughter in the courtroom)

18 MR. THOMPSON: It's true. They know it too.

19 BY MR. THOMPSON:

20 Q. Okay. Ms. Wade-Ardley, were you and your team paid to
21 distribute food?

22 A. My team was paid.

23 Q. How were they paid?

24 A. They were paid from Bloomington Public Schools.

25 Q. They were paid by the school district?

1 A. Yes, sir.

2 Q. And were you paid?

3 A. No, sir.

4 Q. Why not?

5 A. Because I'm salaried.

6 Q. This is part of your Bloomington Public School --

7 A. That's what I do.

8 Q. -- duties? Okay.

9 What was your understanding of the nature of the
10 food distribution? Was this part of a program? Did you
11 know?

12 A. I did not. I -- I just trusted. We got the food. We
13 gave the food out. They had a source where they would get
14 the food and -- they would buy the food, and they'd bring it
15 to us, and we'd give the food away.

16 Q. Okay. Was it part of the Federal Child Nutrition
17 Program in your mind? Did you know this?

18 MR. GOETZ: Objection, Your Honor. Foundation.
19 She says she doesn't know.

20 THE COURT: Overruled. I think the question is do
21 you know.

22 BY MR. THOMPSON:

23 Q. Do you know?

24 A. No.

25 Q. What was your understanding?

1 MR. GOETZ: Objection, Your Honor. Foundation.

2 THE COURT: Overruled.

3 You may answer.

4 BY MR. THOMPSON:

5 Q. What was your understanding about what was going on here
6 in terms of was this a business? Was this a charitable
7 endeavor?

8 A. It was a charitable endeavor.

9 Q. Okay. Now, Ms. Wade-Ardley, I want to show you -- I'm
10 going to show you on the screen something, okay, that's --

11 A. Mm-hmm.

12 Q. -- an exhibit that's not yet in evidence, I don't think,
13 which is Government Exhibit G-135. Do you see that on the
14 screen?

15 A. I do.

16 Q. Okay. Do you -- and is this -- well, do you recognize
17 this as an email?

18 A. Yes, sir.

19 Q. That you received and sent?

20 A. Yes, sir.

21 Q. In January of 2021?

22 A. Yes.

23 MR. THOMPSON: Your Honor, I'd move to admit
24 Government Exhibit G-135.

25 MR. GOETZ: No objection, Your Honor.

1 THE COURT: G-135 is admitted and may be
2 published.

3 MR. THOMPSON: Thank you, Your Honor.

4 BY MR. THOMPSON:

5 Q. Now, Ms. Wade-Ardley, I'm going to direct your attention
6 to the bottom of this exhibit, okay, which is the initial
7 email in the chain. Okay?

8 A. Yes.

9 Q. And it's an email, I think, that you sent on
10 January 21st of 2021; is that right?

11 A. Yes.

12 Q. From your ISD271 email?

13 A. Yes.

14 Q. What's ISD271?

15 A. Independent School District.

16 Q. Okay. And I should show you, the email chain here is
17 with three individuals.

18 A. Yes.

19 Q. Okay. First, on the far right, Khalid Omar. Who is
20 that?

21 A. Yes. He used to work for me.

22 Q. He's the person that approached you?

23 A. Yes.

24 Q. Okay. And you said he used to work for you. It looks
25 like he's using a school district email account at the time?

1 A. Yes. That has since been -- that was a flaw of the
2 Bloomington Public Schools.

3 Q. What do you mean by that?

4 A. They didn't take it down.

5 Q. After he left?

6 A. Mm-hmm. Yes, sir.

7 Q. Okay. And then also copied is Alejandra Gutierrez?

8 A. Yes.

9 Q. Who's that?

10 A. She is my administrative assistant.

11 Q. Okay. And then the other person on the email chain is
12 Mukhtar Shariff. Who is that?

13 A. That's Shariff.

14 Q. Okay. And that's -- what was Shariff's relationship to
15 this food --

16 A. He was the one who was over the food distribution.

17 Q. Okay. And did you meet him?

18 A. Yes.

19 Q. Okay. Okay. All right. Ms. Wade-Ardley, I'm showing
20 you on the bottom here the first email, which is on
21 January 21st of 2021; is that right?

22 A. Yes, sir.

23 Q. And it says, "The gentleman I work with at the
24 Bloomington Athletic Association is David Schulze."

25 What's that about?

1 A. He was probably asking me who I work with at the city,
2 and that's the guy that's over Bloomington Athletic
3 Association.

4 Q. Okay. And then it says, "Another question, What time
5 will the food be delivered at Oak Grove Middle School."

6 A. Yes.

7 Q. And that's asking about this food distribution?

8 A. Yes, sir.

9 Q. This is January 21st. Is that when -- is this the
10 beginning of your involvement in this?

11 A. Yes, sir.

12 Q. Are you asking about the first distribution?

13 A. I can't say that exactly, but I'm assuming, yes.

14 Q. Okay. All right. And Mukhtar Shariff responds to your
15 email; is that right?

16 A. Yes.

17 Q. It says, "We aim to having it there by 9 a.m. Does that
18 work for you?"

19 Is that correct?

20 A. Yes.

21 Q. Is that consistent with your recollection of what time
22 the food arrived on Saturdays?

23 A. Yes, actually a little earlier, but yes.

24 Q. Okay. And you respond, "Yes, it does. Thank you so
25 much."

1 Can you tell us, you said the food arrived and you
2 would unpack it?

3 A. Yes.

4 Q. You and your team?

5 A. Yes, sir.

6 Q. Were there other people there, or was it you and your
7 team handling the unpacking and distribution?

8 A. It was me and my team.

9 Q. Okay. After you unpacked the food, can you tell us
10 about the actual distribution?

11 A. Mm-hmm. We would know how many people a bag would feed;
12 and so when the cars came, we would ask them how many, and
13 then they would tell us, and then we would calculate how
14 many bags they would get by the number that they would give
15 us.

16 Q. You said you calculate the number of bags that a -- how
17 many people would be fed by each bag. Tell us about that.
18 What do you mean?

19 A. One bag might feed two or three, depending on what's in
20 the bag.

21 Q. And what was in the bags?

22 A. Rice, noodles, fruit, sometimes cereal, milk. It was
23 groceries.

24 Q. Groceries?

25 A. Mm-hmm.

1 Q. Not meals?

2 A. Right.

3 Q. Okay. And how much food -- how many bags would there be
4 each week?

5 A. I never counted how many bags, but there were quite a
6 few.

7 Q. Okay. Did the numbers -- and how many people came?

8 A. We had quite a few people come. I would say our average
9 was around 6- -- we would feed 600, the average. That
10 doesn't mean we had 600 cars. That just means we fed per
11 bag 600 people.

12 Q. And per bag, how did you determine -- how did you know
13 how many kids each bag would feed?

14 A. We were told.

15 Q. Who told you that?

16 A. The person who is driving the truck that would deliver.

17 Q. Okay. So cars -- you said cars would come by to pick up
18 the food?

19 A. Yes, sir.

20 Q. An average of 60 a day?

21 A. Not a day. On Saturday.

22 Q. On Saturdays.

23 A. Mm-hmm.

24 Q. Only Saturdays. And what was the high number of cars
25 that ever happened?

1 A. We would be able to feed -- sometimes it would be a
2 thousand meals, not cars.

3 Q. Meals, not cars. Okay. And what was the low end? Did
4 the numbers fluctuate, the number of cars?

5 A. They did.

6 Q. How much did they fluctuate?

7 A. I would say we would feed 500, would be our low number,
8 but that, once again, is not cars. It's --

9 Q. Meals?

10 A. Mm-hmm.

11 Q. Okay. How about the food itself in the bags? Would
12 that vary from week to week?

13 A. Yes, sir.

14 Q. Can you describe kind of the variation?

15 A. Sometimes it would be potatoes. Sometimes it would be
16 rice. Sometimes there would be flour. Sometimes it would
17 be something else, canned tuna, things like that.

18 Q. You said flour?

19 A. Yes.

20 Q. Like bags of flour?

21 A. Yes.

22 Q. Okay. Did you have any say in what food was in the
23 bags?

24 A. No, sir.

25 Q. Did you ever have any discussions about the contents of

1 the food?

2 A. I did. At one point I recommended just talking to the
3 families, what they would like.

4 Q. Okay. And did the contents change then, based on your
5 recommendations?

6 A. Sometimes.

7 Q. Ms. Wade-Ardley, how would you compare the food that was
8 distributed on Saturdays by this group with the food that
9 was -- you distributed at Georgetown Townhomes or that was
10 available for pickup at Bloomington Kennedy and the other
11 school district sites?

12 A. The food that was delivered and families would come to
13 get at Kennedy and the other sites was prepared food by our
14 food kitchen, our food staff. And the other food was
15 groceries in a bag that they would have to take home and
16 actually cook.

17 Q. Okay. And was it your understanding that this -- the
18 food that was distributed by this group, the groceries, was
19 that supposed to be for kids or for families or both?

20 A. For kids.

21 Q. Okay. The group, did you -- was it your understanding
22 that they also distributed food elsewhere?

23 A. Yes, sir.

24 Q. Tell us about what your understanding was.

25 A. I understood that they were distributing food at

1 Al-Farooq, the mosque.

2 Q. The Dar Al-Farooq mosque?

3 A. Yes, sir.

4 Q. And how did you come about that understanding?

5 A. Just conversation.

6 Q. Were you ever at that food distribution?

7 A. No, sir.

8 Q. Okay. So, Ms. Wade-Ardley, I left on the screen
9 Government Exhibit G-135, which was this email from
10 January 2021, when the meal distribution started. Is that
11 right?

12 A. Yes.

13 Q. I would like to show you now what's been admitted into
14 evidence as Government Exhibit C-361.

15 And, Ms. Wade-Ardley, these are meal counts
16 stating that 14,000 meals were distributed by this group
17 in -- this week and every week in January of 2021.

18 A. (Reviews document).

19 Q. You had a look on your face when you looked at that.

20 MR. GOETZ: Objection, Your Honor. Foundation.
21 May we have a sidebar?

22 THE COURT: I'll sustain the objection.

23 You don't need to answer the question.

24 And we may have a sidebar.

25 **(Sidebar discussion)**

1 THE COURT: Mr. Goetz.

2 MR. GOETZ: Your Honor, as I argued last night,
3 the witness is not competent to testify to any of these
4 numbers because she, by her own admission, doesn't have
5 knowledge of the food distributed at Dar Al-Farooq. These
6 are combination numbers. She doesn't have any knowledge.
7 She's not competent. She doesn't have personal knowledge.
8 And she should not be allowed to answer these questions.

9 THE COURT: Mr. Thompson.

10 MR. THOMPSON: Your Honor, I disagree. The
11 defense has repeatedly, when we've shown claims for
12 Dar Al-Farooq, said that there's multiple sites here,
13 including distribution at Oak Grove Middle School. She's
14 allowed to testify whether or not they distributed anywhere
15 near these numbers to rule out the argument that the defense
16 has made repeatedly that it's not all at Dar Al-Farooq.
17 It's at the middle school.

18 Obviously, she's limited in what she can say. I'm
19 not suggesting all 2,000 would have been here, but she's
20 able to testify about her knowledge. And they can't say
21 that, Some of them were here and some of them were there,
22 and not let the people from "there" talk about what they saw
23 and what they didn't see.

24 THE COURT: Thank you. I'm going to let her
25 answer the question. And it's an appropriate matter for

1 cross, as long as we're not misleading the jury.

2 MR. GOETZ: Your Honor, if I may just --

3 THE COURT: Yeah.

4 MR. GOETZ: I think it would mislead the jury if
5 the question is phrased, Do you know if these amount of
6 meals were distributed, question mark.

7 If counsel asked, Do you know if these meals were
8 distributed at Oak Grove Middle School, with that qualifier,
9 then she has personal knowledge. But I think the question
10 has to be phrased that way if this is what counsel wants to
11 elicit.

12 MR. THOMPSON: Your Honor, I'll be mindful about
13 my wording, but I will say that defense counsel
14 cross-examined Special Agent Kary repeatedly about two
15 distribution sites and, You don't know about the two, and,
16 For all you know, they were all at the other site or the
17 bulk of them or some of them. We're allowed to inquire.

18 THE COURT: I'll take each objection as it comes,
19 but it sounds like an appropriate matter for
20 cross-examination.

21 **(In open court)**

22 BY MR. THOMPSON:

23 Q. Thank you, Ms. Ardley -- or Wade-Ardley.

24 I was showing you these meal counts from January
25 of 2021 and Dar Al-Farooq. And you looked at them and you

1 had kind of an arched eyebrow. Why? What was your
2 reaction?

3 A. That's a lot of meals.

4 Q. Did you and your team distribute anywhere near that
5 number of meals on Saturdays at Oak Grove Middle School?

6 A. No, sir.

7 Q. You say it's a lots of meals. What do you mean by that?

8 A. We have less than 10,000 students in Bloomington
9 schools.

10 Q. You mentioned there's two high schools at Bloomington --
11 in Bloomington Public Schools, two traditional high schools
12 and an alternative school?

13 A. Yes, sir.

14 Q. One of them is Bloomington Kennedy; is that right?

15 A. Yes.

16 Q. How many students attend Bloomington Kennedy High
17 School?

18 A. About 1700.

19 Q. How many attend the other high school, Bloomington
20 Jefferson?

21 A. About 1600.

22 Q. Are those the two biggest schools in the district?

23 A. Yes, sir.

24 Q. I'm going to show you now what's been admitted as
25 Government Exhibit C-360, which are meal counts submitted

1 for reimbursement by the Dar Al-Farooq group, claiming the
2 distribution of 3500 -- or 21,000 snacks and suppers a week
3 in the month of February 2021, 3500 a day.

4 Did you and your team distribute anywhere near
5 that number at the Oak Grove Middle School?

6 A. No, sir.

7 Q. How do those numbers compare with the total population
8 of the Bloomington Public School District?

9 A. What we distributed?

10 Q. Mm-hmm.

11 A. Was probably about 1 percent.

12 Q. Okay. And these numbers here would be considerably more
13 than that, I take it?

14 A. Yes.

15 Q. Now I'm going to direct your attention to page 4 of
16 Government Exhibit C-360. And these are claims that were
17 submitted for the meal distribution at this site to the
18 state for reimbursement.

19 Did you know that the group was claiming \$674,000
20 in state funds for distributing meals in February of 2021?

21 A. No, sir.

22 Q. Did you have any idea of that?

23 A. No.

24 Q. Were you being paid for your work?

25 A. No, sir.

1 Q. Was your team being paid?

2 A. Yes, but by Bloomington schools.

3 Q. Did you receive any money from this group?

4 A. No, sir.

5 Q. Did they tell you that they were receiving state
6 reimbursement claims?

7 A. No, sir.

8 Q. Would that have affected your view of the program and
9 your involvement in it?

10 MR. GOETZ: Objection. 401 and 402, Your Honor.

11 THE COURT: Overruled.

12 You may answer.

13 THE WITNESS: Answer? What was the question?

14 BY MR. THOMPSON:

15 Q. What's your reaction to seeing these claims?

16 A. It's a lot of money.

17 Q. Significant amount of money for the school district?

18 A. Yes.

19 MR. GOETZ: Objection. Argumentative, Your Honor.

20 THE COURT: Overruled.

21 BY MR. THOMPSON:

22 Q. Was this money going to the school district?

23 A. No.

24 Q. Does that concern you?

25 A. Yes.

1 MR. GOETZ: Objection. 401, 402, Your Honor.

2 THE COURT: Overruled.

3 You may answer.

4 THE WITNESS: Yes.

5 BY MR. THOMPSON:

6 Q. Why does this \$674,000 going to this other entity and
7 not the Bloomington Public School District concern you?

8 A. We have so many needs in our school district. We have
9 kids with high needs. We -- we -- we just have so many
10 needs, and that money could have been used in different
11 ways.

12 Q. Ms. Wade-Ardley, at some point did someone approach you
13 about writing a letter in support of this meal distribution
14 program?

15 A. Yes, sir.

16 Q. When was that?

17 A. I don't remember, but --

18 Q. How about this: Who approached you?

19 A. Khalid again.

20 Q. Khalid Omar?

21 A. Mm-hmm.

22 Q. And what did he approach you about?

23 A. He sent me a document and asked me to read over it and
24 see if I agreed with it and then to send it on to another
25 organization.

1 Q. Why did he ask you to do that?

2 A. I'm guessing that he wanted to --

3 MR. GOETZ: Objection.

4 THE COURT: Sustained.

5 MR. GOETZ: Speculation.

6 THE COURT: Rephrase.

7 BY MR. THOMPSON:

8 Q. Did he tell you why he wanted you to do that?

9 A. No.

10 Q. Did you know?

11 A. No.

12 Q. Did you do it?

13 A. Yes.

14 Q. You say that with a tone in your voice.

15 A. I regret. I don't like lying, and I don't like doing
16 stuff that's not things that I've done, so.

17 Q. Did you lie in the letter?

18 A. Excuse me?

19 Q. When you say you don't like lying, why do you say that?

20 A. Because we didn't do 3,000 a week.

21 Q. All right. Well, Ms. Wade-Ardley, maybe it will make it
22 really clear if I show the letter here or the emails. So,
23 first off, I'm going to show you what's been marked, but not
24 admitted, as Government Exhibit 336.

25 This is a couple emails; is that right?

1 A. Yes.

2 Q. And it's between you and Khalid Omar?

3 A. Yes.

4 Q. All right.

5 MR. THOMPSON: Your Honor, I'm going to move to
6 admit Government Exhibit G-336.

7 MR. GOETZ: No objection, Your Honor.

8 THE COURT: G-336 is admitted and may be
9 published.

10 BY MR. THOMPSON:

11 Q. All right. And this is a two-page exhibit,
12 Ms. Wade-Ardley, and I'm going to start on the second page.
13 Okay?

14 A. Yes.

15 Q. I'm going to zoom in. First off, the header. This is
16 an email from Khalid Omar?

17 A. Yes.

18 Q. And, again, it looks like he's using a Bloomington
19 School District account?

20 A. Yes.

21 Q. Did he work with the school district at this time?

22 A. No, sir.

23 Q. It's that glitch you were talking about?

24 A. Yes.

25 Q. And the subject line -- or the email's sent to you,

1 correct --

2 A. Yes.

3 Q. -- Dinna Wade-Ardley? On July 23rd of 2021?

4 A. Yes, sir.

5 Q. The subject is Partnership Information; is that right?

6 A. Yes.

7 Q. And then what is in this email?

8 A. It's the hours people could pick up food and how many we
9 served weekly.

10 Q. And is this an email -- it's signed by you, but it's
11 sent by him. Can you explain that?

12 A. He went me an email, and then I redid it so that it came
13 from me.

14 Q. Was that at his request?

15 A. Yes.

16 Q. This is the email he wanted you to send?

17 A. Yes.

18 Q. And I'll read it for you. Okay? It says, "Greetings,
19 everyone. First and foremost, I want to thank Dar Al-Farooq
20 Center for all their support. The past six months has been
21 amazing to partner and serve our families in Bloomington
22 public schools."

23 Is that right?

24 A. Yes, sir.

25 Q. That's how it starts?

1 "ThinkTechAct Foundation Inc., in partnership with
2 Dar Al-Farooq Center, has a formal partnership with
3 Bloomington Public Schools to provide healthy meals to our
4 families. As part of this partnership, meals are
5 distributed weekly at Oak Grove Middle School from 9:00 a.m.
6 to 1:00 p.m. We routinely serve up to 3000 children through
7 this partnership. Consider this email acknowledgement and
8 testament to this partnership and its reach and impact in
9 the Bloomington community.

10 Sincerely, Dinna Wade-Ardley."

11 First off, did you write this email, this letter?

12 A. Yes, I sent it.

13 Q. But, initially, you didn't write this one here?

14 A. No.

15 Q. Someone drafted it for you.

16 And you said you regretted it because you don't
17 like to lie. Is the information in this email accurate?

18 A. No. However, there was a conversation that I had with
19 the other party, because I was thinking that the 3,000 was
20 from both locations on Saturday.

21 Q. Okay. So let's start with this one here, though, okay,
22 first off. Dar Al-Farooq Center, that's the mosque that you
23 were talking about?

24 A. Yes.

25 Q. Okay. ThinkTechAct Foundation Inc., do you know what

1 ThinkTechAct Foundation is?

2 A. At that time I did not.

3 Q. Do you know now?

4 A. Yes, from the news.

5 Q. From the news. Okay. At the time had you been talking
6 to them or working with them?

7 A. No.

8 Q. Okay. It says, "As part of this partnership, meals are
9 distributed weekly at Oak Grove Middle School." Is that
10 right?

11 A. Yes.

12 Q. Okay. "We routinely serve up to 3000 children through
13 this partnership."

14 Now, we'll get to your conversation later, but was
15 that true? Did you routinely serve up to 3,000 children?

16 A. No.

17 Q. Again, how much did you -- you said earlier an average
18 of 500 a week?

19 A. Mm-hmm. Max, a thousand.

20 Q. Okay. And this is on July 23rd. I'm going to send --
21 the first page of this Exhibit G-336 is another email
22 exchange that day; is that right?

23 A. Yes.

24 Q. And who is this email exchange between?

25 A. Shariff and myself.

1 Q. Okay. And you start out, "I am not sure that 3000 is
2 the correct number. Maybe 1000 each week."

3 Why did you send this email?

4 A. Because that's what I -- that's what I think.

5 Q. Okay. Why did you send it on this day? Did you have
6 concerns about the email?

7 A. Yes, sir.

8 Q. Could you explain those?

9 A. The 3,000 was a high number, so I questioned the 3,000.

10 Q. Why were you questioning it? Were you concerned? You
11 sent a separate email.

12 A. I was concerned about the number, because I know that we
13 didn't distribute 3,000.

14 Q. Okay. So -- okay. What -- and then you sent this to
15 Mukhtar Shariff. Why did you send the email to him, not to
16 Khalid Omar?

17 A. I think we had a phone conversation. I can't remember.

18 Q. Who had a phone conversation?

19 A. Myself and Shariff.

20 Q. Okay. And you call him Shariff?

21 A. Yes.

22 Q. Okay. And he said, "I'll explain via phone in a
23 minute."

24 Do you recall that conversation?

25 A. Yes.

1 Q. What did you guys talk about?

2 A. I was questioning whether the 3,000 included Al-Farooq.

3 Q. And what did he tell you?

4 A. Yes.

5 Q. Okay. And had you ever been at the Dar Al-Farooq
6 mosque?

7 A. I had not, no.

8 Q. Did you help with the food distribution there?

9 A. I did not, no.

10 Q. So that's why you were concerned with the 3,000. You
11 had no idea what went on there?

12 A. Yes, sir.

13 Q. I'm going to show you now Government Exhibit -- I think
14 it's -- what's not in evidence, Government Exhibit 3 -- C --
15 one second here.

16 One second, Ms. Wade-Ardley.

17 It's G-336 I'm showing you for identification.

18 Okay. I'm sorry. I'm now showing you what's been
19 marked as Government Exhibit C-336. Okay? Is this the
20 email that you sent at Khalid Omar's request?

21 A. Yes, sir.

22 MR. THOMPSON: Your Honor, I move to admit
23 Government Exhibit C-336.

24 THE COURT: Any objection?

25 MR. GOETZ: No objection, Your Honor.

1 THE COURT: C-336 is admitted and may be
2 published.

3 BY MR. THOMPSON:

4 Q. Ms. Wade-Ardley, is this the email you sent?

5 A. Yes.

6 Q. And you -- it looks like verbatim what Khalid Omar had
7 drafted for you?

8 A. Yes.

9 Q. Who did you send it to?

10 A. Um, to Shariff.

11 Q. Mukhtar Shariff?

12 A. Mm-hmm.

13 Q. That's msharif34@gmail.com?

14 A. Mm-hmm.

15 THE COURT: "Yes"?

16 THE WITNESS: Yes. I'm sorry. I apologize. Yes.

17 BY MR. THOMPSON:

18 Q. Ms. Wade-Ardley, you copied a couple email addresses on
19 this. One is aimee@feedingourfuture and one is Mahad
20 Ibrahim?

21 A. That was at the request of Shariff.

22 Q. Did you know those people?

23 A. Absolutely not.

24 Q. Aimee Bock. Did you know her?

25 A. No.

1 Q. Mahad Ibrahim?

2 A. No.

3 Q. So this email you sent, was it accurate?

4 A. True. Yes.

5 Q. It was accurate?

6 A. No. Inaccurate.

7 Q. It was inaccurate.

8 MR. GOETZ: Objection. Withdraw, Your Honor.

9 BY MR. THOMPSON:

10 Q. How do you feel about having sent it?

11 MR. GOETZ: Objection. Repetitive, Your Honor.

12 THE COURT: Overruled.

13 You may answer.

14 THE WITNESS: It disturbs me.

15 BY MR. THOMPSON:

16 Q. How so?

17 A. I don't like giving false information.

18 Q. Why did you do it?

19 A. I trusted.

20 Q. Who did you trust?

21 A. Omar and -- Khalid and Shariff.

22 Q. What was your reaction when later this became an issue?

23 A. Very disturbed.

24 MR. GOETZ: Objection, Your Honor. Relevance.

25 401, 402, also 403.

1 THE COURT: Overruled.

2 You may answer.

3 THE WITNESS: Very disturbed.

4 BY MR. THOMPSON:

5 Q. Did you have to have a conversation with people at the
6 school district about it?

7 A. Absolutely.

8 MR. GOETZ: Objection, Your Honor. Standing
9 objection to this line of inquiry, please.

10 THE COURT: Under 403, Mr. Goetz?

11 MR. GOETZ: And 401, 402.

12 THE COURT: I'm going to overrule it.

13 And you may answer.

14 THE WITNESS: Yes.

15 BY MR. THOMPSON:

16 Q. How'd that go?

17 A. It was not a good conversation, but they were always
18 very supportive of me.

19 Q. Now, this email you sent on July 23rd of 2021; is that
20 right?

21 A. Yes.

22 Q. I'm going to show you now what's been admitted as
23 Government Exhibit D-34, which is an email first sent from a
24 man named Abdiaziz Farah to Mahad Ibrahim, Mukhtar Shariff,
25 and Abdi Nur. Okay?

1 And the subject line is "1506 Southcross and DFC
2 July Claim." Do you see that?

3 A. Yes, sir.

4 Q. First off, I know you know Mukhtar Shariff, correct?

5 A. Yes, sir.

6 Q. And you said you did not know Mahad Ibrahim?

7 A. No.

8 Q. Did you know Abdiaziz Farah?

9 A. No.

10 Q. Did you know Abdi Nur?

11 A. No.

12 Q. And attached to this form are meal counts for the
13 Dar Al-Farooq site and an invoice for July.

14 Did you know -- well, first off, have you heard of
15 Afrique Hospitality Group?

16 A. Yes.

17 Q. How so?

18 A. I know that they were putting -- trying to get a mall in
19 Bloomington.

20 Q. Okay. Do you know whose company that was?

21 A. No, sir.

22 Q. Did you know that they billed nearly \$200,000 in July of
23 2021 to the Federal Child Nutrition Program funds?

24 MR. GOETZ: Objection, Your Honor. Can we have a
25 sidebar? 602, also 701.

1 THE COURT: You may.

2 (Sidebar discussion)

3 THE COURT: Mr. Goetz.

4 MR. GOETZ: Your Honor, this witness has
5 absolutely no knowledge of this invoice, what it's about,
6 the Federal Child Nutrition Program, the meals, how they're
7 calculated, how this invoice is calculated. And for her to
8 basically speculate that these numbers seem high is
9 absolutely without foundation. So she should not be allowed
10 to testify under 602 and 701.

11 THE COURT: Mr. Thompson.

12 MR. THOMPSON: Your Honor, as the person who
13 actually distributed the meals, I think she's in the best
14 position. She and her team worked without pay to distribute
15 meals, believing this to be a charitable endeavor, while
16 Mr. Goetz's client was getting rich on it.

17 She can say whether or not she was sent that
18 email. If she had known they were getting that kind of
19 money, certainly she would have asked more questions about
20 the number of meals they were claiming in the email, had she
21 known that there was a profit motive in play. Clearly, she
22 did not know that.

23 MR. GOETZ: But, Your Honor, how is this witness's
24 knowledge of whether or not this is a charitable
25 organization or not at all relevant to any material fact

1 that is in dispute in this case? It is not. It has been
2 well-established that this -- these organizations or vendors
3 can make a profit. So whether or not she understood that it
4 was a charity or not has absolutely no relevance. And she
5 has no personal knowledge.

6 This is just argument. It's unfairly prejudicial,
7 and, quite frankly, I think we're running afoul of due
8 process and fair trial rights by this whole line of
9 testimony.

10 THE COURT: Mr. Thompson.

11 MR. THOMPSON: Your Honor, this crime that his
12 client committed is inflammatory, but that's not my fault.
13 That's his. This is what he did. This is what he claimed.
14 And, absolutely, it's relevant that he took advantage of the
15 good faith of public school employees who believe in this,
16 to take it to commit his scheme, that he convinced them --
17 convinced her to send an email that she otherwise would not
18 have sent.

19 And, clearly, she scrutinized not even knowing
20 there was a profit motive in play. Had she known people
21 were getting reimbursement for hundreds of thousands of
22 dollars, she almost certainly would have asked more
23 questions. He did that, not me.

24 MR. GOETZ: Your Honor, that's argument, but
25 that's not testimony through this witness.

1 THE COURT: Whether or not she knew there was a
2 profit motive in play and what she might have done or her
3 reaction to that is, it seems to me, relevant to intent, if
4 we're -- if the defendant is hiding a profit motive. So I'm
5 going to allow the questions on that basis.

6 The last question was, Did you know that they
7 billed nearly \$200,000 in July of 2021 to the Federal Child
8 Nutrition Program. And I'm not sure what her answer was
9 going to be to that.

10 So I'll take each objection as it comes, but,
11 again, this seems a matter for cross and not a restriction
12 of testimony.

13 MR. GOETZ: Your Honor, I understand the court's
14 ruling. Might the record reflect a standing objection on
15 the basis stated to this line of questioning?

16 THE COURT: Yes.

17 MR. GOETZ: Thank you.

18 **(In open court)**

19 THE COURT: Can you repeat the question,
20 Mr. Thompson? The objection is overruled.

21 MR. THOMPSON: Yes, Your Honor.

22 BY MR. THOMPSON:

23 Q. Ms. Wade-Ardley, my question was when you sent that
24 email at Khalid Omar's request in July of 2021, did you know
25 that Afrique Hospitality Group was billing the state nearly

1 \$200,000 for distributing meals that month?

2 A. No, sir.

3 Q. Would you have liked to have known that when they asked
4 you to send that email?

5 A. Yes, sir.

6 Q. Why?

7 A. I would have known what kind of people I was dealing
8 with.

9 Q. What do you mean by that?

10 A. I trusted the people that I work with. I would have
11 done a little bit more research.

12 Q. You continued to distribute meals throughout 2021, you
13 and your team at Oak Grove Middle School?

14 A. Yes, sir.

15 Q. Every week?

16 A. Yes, sir.

17 Q. Without pay?

18 A. Me. My team was paid.

19 Q. By the Bloomington Public School District?

20 A. Yes, sir.

21 Q. I'm going to show you what's been admitted as Government
22 Exhibit D-35. And this is an email from Abdimajid Nur to
23 Mukhtar Shariff and Mahad Ibrahim.

24 Do you see that?

25 A. Yes, sir.

1 Q. Dar Al-Farooq Updated Meal Counts and Invoice. First
2 off, do you know Abdimajid Nur?

3 A. No.

4 Q. Did he ever help you distribute food?

5 A. No.

6 Q. You said you didn't know Mahad Ibrahim. Did he ever
7 help you distribute food?

8 A. No.

9 Q. How about Mukhtar Shariff?

10 A. He came, but just to check on things.

11 Q. How often?

12 A. Not very often.

13 Q. Did he distribute food or unpack the truck?

14 A. No.

15 Q. This email is on September 15th, Dar Al-Farooq Updated
16 Meal Counts and Invoice.

17 I direct your attention to page 4, which are meal
18 counts for the week of August 22nd, some -- approximately
19 3500 snacks and suppers a day, 24,000 of each distributed.

20 Did you see anything like that at Oak Grove Middle
21 School?

22 A. No, sir.

23 Q. Did you have any idea that Mukhtar Shariff and others
24 were submitting claims like this to the state for
25 reimbursement?

1 A. No, sir.

2 Q. Would you have liked to have known that when you had
3 donated your time on Saturday mornings?

4 A. Yes, sir.

5 Q. Showing you now page 2 of Government Exhibit D-35. And
6 this is an invoice for the month of August.

7 Did you know that ThinkTechAct Foundation billed
8 the state more than \$600,000 for meals distributed in August
9 of 2021?

10 A. No, sir.

11 Q. How do you feel seeing that?

12 A. Sad.

13 Q. Why are you sad?

14 A. I feel taken advantage of. I feel the kids were taken
15 advantage of. That's just my feelings.

16 Q. I'm showing you now page 7 of D-35. There's a site
17 delivery receipt. Have you ever seen anything like this?

18 A. No, sir.

19 Q. Did anyone deliver anywhere near 34,085 [sic] breakfasts
20 and lunches to your site?

21 A. Not that I'm aware of.

22 Q. Were you distributing meals through the end of 2021 and
23 into 2022?

24 A. Yes, sir, I believe so.

25 Q. On Saturdays?

1 A. Yes.

2 Q. I'm going to show you what's been admitted as Government
3 Exhibit 367. And this is an invoice dated January 3rd of
4 2022 for meals purportedly distributed in Bloomington by
5 Afrique Hospitality Group and ThinkTechAct.

6 Did you know that they billed the state more than
7 \$400,000 for December of 2021?

8 A. No, sir.

9 Q. Did they distribute anywhere near those meals at the
10 site you worked at?

11 A. No, sir.

12 MR. GOETZ: Objection. Foundation, Your Honor.

13 THE COURT: The question was the site you worked
14 at.

15 You may answer the question.

16 That objection is overruled.

17 THE WITNESS: No, sir.

18 BY MR. THOMPSON:

19 Q. Page 2. It looks like the meal counts, again, were
20 pushing around 3500 daily. You're shaking your head.

21 A. No, sir.

22 Q. That didn't happen? Not at your site?

23 A. No, sir.

24 Q. And I take it you had no idea this kind of money was
25 coming in?

1 A. No, sir.

2 Q. When did the meals stop?

3 A. I was contacted by the FBI, and I went to my
4 administration and talked to them, and then that's when we
5 discontinued.

6 Q. Okay. You said you went to your administration. What
7 did you go to the administration about?

8 A. About --

9 MR. GOETZ: Objection, Your Honor. At this point
10 401, 402, 403.

11 THE COURT: Let me hear the answer.

12 THE WITNESS: To let them know what's going on.
13 They were aware of the FBI situation, but I wanted to talk
14 about continuing, not continuing the program.

15 BY MR. THOMPSON:

16 Q. In the email you sent?

17 A. Mm-hmm.

18 Q. And you talked to them about that email you sent?

19 A. Yes.

20 THE COURT: I'll let the answer stand. The
21 objection is overruled.

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

23 THE COURT: Mr. Goetz.

24 MR. GOETZ: Thank you, Your Honor.

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CROSS-EXAMINATION

BY MR. GOETZ:

Q. Good morning, Ms. Wade-Ardley.

A. Good morning.

Q. Still nervous?

A. Yes, sir.

Q. Okay. You're doing fine.

A. Thank you.

Q. My name is Frederick Goetz. I represent Mukhtar Shariff.

Do you see Mukhtar back there?

A. Yes, sir.

Q. You know him as Shariff?

A. Yes.

Q. Let me ask you some questions about your knowledge of Mr. Shariff.

A. Yes, sir.

Q. Outside of the food distribution, did you have any other interaction with Mukhtar Shariff?

A. Not that I'm aware of.

Q. What about a coding program and basketball for students in the Bloomington area? Do you remember being involved with him about that?

A. A conversation.

Q. Okay. What about the City of Bloomington Racial Justice

1 and Equity Committee? Do you remember being on a committee
2 like that with Mr. Shariff?

3 A. I was on the committee, but I don't remember him being
4 there, but yes.

5 Q. Okay. You remember him having some connection --

6 A. Yes.

7 Q. -- or interaction with him?

8 A. Mm-hmm.

9 Q. You remember talk about Mr. Shariff running for school
10 board?

11 A. Yes, that was my idea. Yes, sir.

12 Q. Okay. Fair to say you had a good, positive relationship
13 with Mr. Shariff overall, right?

14 A. Yes.

15 Q. You talked about Khalid Omar, a former employee of the
16 Bloomington School District; is that right?

17 A. Yes, sir.

18 Q. And he's the one that brought this idea of food
19 distribution at Oak Grove Middle School to you, right?

20 A. Yes, sir.

21 Q. And I think you said he was doing a lot of positive
22 things. Do you remember talking about that?

23 A. Yes.

24 Q. Tell us about the positive things that Khalid Omar was
25 doing.

1 A. He was a leader in his community, spreading, doing
2 things for the community, voting, having voting things at
3 the mosques and all those kinds of things.

4 Q. Okay. So as far as you knew, Khalid Omar and Mukhtar
5 Shariff were trying to do good things for their community,
6 right?

7 A. Yes.

8 Q. And the reality, from your own personal knowledge, is
9 that real food was distributed at the Oak Grove Middle
10 School, right?

11 A. Yes.

12 Q. And real people would come up to get that food, correct?

13 A. Yes.

14 Q. Every week, correct?

15 A. Yes.

16 Q. Month after month after month?

17 A. Yes.

18 Q. 1300 West 106th Street. That's the address for the Oak
19 Grove Middle School, right?

20 A. Yes, sir.

21 Q. And that's about ten minutes away or so from the
22 Dar Al-Farooq Islam Center. Are you aware of that?

23 A. Yes, sir.

24 Q. Not too far away, right? Correct?

25 A. Yes, sir.

1 Q. I'm going to talk with you more about that in a moment,
2 but I want to ask you some questions about what the
3 prosecutor asked you about, the early food distribution that
4 you were involved with at -- I think it was the Georgetown
5 apartment complex, the Georgetown Townhomes?

6 A. Yes, sir.

7 Q. Now, this was a food distribution program put on by the
8 Bloomington Public Schools; is that right?

9 A. Yes.

10 Q. And you and your team would have a truck. And you, as I
11 understand it, go to the apartment complex and knock on
12 people's doors and say, We're here to distribute free food,
13 right?

14 A. Yes, sir.

15 Q. And would they then tell you how many meals they would
16 like?

17 A. Yes, sir.

18 Q. And would you have to check to see if they had the same
19 number of children in the home, or would you just give them
20 the food?

21 A. We'd just give them the food.

22 Q. Because you don't want to have barriers between people
23 and children and nutrition, correct?

24 A. Yes, sir.

25 Q. Nutrition is essential for learning, right?

1 A. Yes, sir.

2 Q. If you have a hungry child, that starves the mind and
3 they don't learn as well, right?

4 A. Correct.

5 Q. So you never took names when you were going through the
6 Georgetown apartment complex, correct? You just were
7 concerned about getting the food to the people in need?

8 A. We had a list.

9 Q. Sure. But you didn't take names to verify as you were
10 distributing?

11 A. No, sir.

12 Q. And did you -- the meals that you distributed, did you
13 keep count of that?

14 A. I did not. The school district did.

15 Q. And do you know why the school district kept track of
16 the number of meals?

17 A. Probably for cost's sake.

18 Q. To be reimbursed, right?

19 A. Oh, I don't know about that. Okay.

20 Q. Okay. I mean, do you have knowledge of the Federal
21 Child Nutrition Program?

22 A. I do, but that's about -- the up-front part of it is
23 what my knowledge is about.

24 Q. Sure. All that food that you were distributing at the
25 Georgetown Townhomes had to be paid for by someone, right?

1 A. Correct. True. Yes, sir.

2 Q. And if you became aware that, say, the company that --
3 the wholesaler that brought the food to the schools to be
4 prepared, if they made a profit on that food, would that
5 have stopped you from distributing the food to the
6 Georgetown Townhomes?

7 A. Repeat, please.

8 Q. Sure. The prosecutor showed you these invoices, and he
9 said, well, if you learn that the Afrique was making a
10 profit on the food, would that concern you, would that cause
11 you any pause. Do you remember those questions?

12 A. Yes, sir.

13 Q. So now I'm asking kind of the same thing, but in regard
14 to the food that you were distributing at the Georgetown
15 Townhomes, the food -- or the food prepared by the
16 Bloomington School District. Okay?

17 A. Yes.

18 Q. And that food, somebody had to pay for it, correct?

19 A. Yes.

20 Q. And if a vendor, whoever brought the food to the schools
21 to be prepared, whether that was Sysco or Upper Lakes Food
22 or whoever, if that vendor made a profit on the food, would
23 that have caused you to say, I don't want any part of this?

24 A. Maybe. I have an issue with making a profit off of
25 children.

1 Q. So is it your testimony before this jury that if whoever
2 brought the food to Bloomington School District to be
3 prepared, whether -- in any context, a food program or -- or
4 just regular school lunches, if they make a profit, you have
5 a problem with that?

6 A. Depends on where the profit goes. Does it go back to
7 the children? I guess I don't have enough knowledge of that
8 kind of working, so.

9 Q. Okay.

10 A. I don't have enough knowledge.

11 Q. You understand on a broader scale, I mean, kids need to
12 be helped. That's right. But businesses need to make a
13 profit in order to stay in business, right?

14 A. Yes.

15 Q. Got to have improvements, got to have infrastructure,
16 overhead, all of that, correct?

17 A. Yes.

18 Q. And if the food is provided by a for-profit company
19 that's used by the Bloomington Public Schools to feed kids,
20 do you have a problem with that?

21 A. No, not with taking into consideration the overhead.

22 Q. Okay. So let's get back then to the Oak Grove Middle
23 School.

24 Were you at the Oak Grove Middle School pretty
25 much every Saturday?

1 A. Yes, sir.

2 Q. Okay. Thank you for your time and doing that.

3 And all of this food was, was it your
4 understanding, provided by an entity, organization
5 affiliated with Dar Al-Farooq mosque?

6 A. Yes.

7 Q. Okay. And did you know who was paying for the food,
8 ultimately?

9 A. Absolutely not.

10 Q. Do you know -- and I take it you don't know then -- if
11 that food was being purchased under a federal program that
12 allowed for reimbursement for the meals?

13 A. I would not know that.

14 Q. Okay. And I take it you don't have any quarrel with the
15 federal government setting fixed reimbursement rates for
16 whatever food they provide.

17 A. Yes.

18 Q. You don't have an issue with that, do you?

19 A. No.

20 Q. Your contacts then for the -- what I'll call the
21 Dar Al-Farooq food distribution at Oak Grove Middle School
22 were Khalid Omar and Mukhtar Shariff, correct?

23 A. Yes, sir.

24 Q. And the number that I think -- and we'll get to this
25 email, but that you estimated would be they would distribute

1 up to a thousand meals on Saturday just at that one
2 location, the Oak Grove Middle School, right?

3 A. That would be our max, yes, sir.

4 Q. And you know that there were flyers that were put out to
5 advertise in the community food distribution at that site,
6 correct?

7 A. Yes, sir.

8 Q. Because when kids or families would come to the Oak
9 Grove Middle School to pick up food, would you ask for
10 identification?

11 A. No, sir.

12 Q. Would you ask how many children they had? Would you
13 have to see the kids in the car?

14 A. No, sir.

15 Q. If they told you they needed X number of meals, would
16 you just give them the X number of meals?

17 A. Yes, sir.

18 Q. Because, again, as I understand your testimony, you
19 don't want to have barriers between children and learning,
20 right?

21 A. Correct. Yes, sir.

22 Q. You don't want to have barriers between children and
23 nutrition, correct?

24 A. Yes, sir.

25 Q. Let's take a look, if we can, at a few exhibits.

1 MR. GOETZ: D7-90, please. This is just for the
2 witness.

3 BY MR. GOETZ:

4 Q. Showing you what's been marked for identification as
5 D7-90, do you recognize this?

6 A. Yes.

7 Q. Does this appear to be a true and accurate depiction of
8 food distribution through your program at the Oak Grove
9 Middle School?

10 A. Yes, sir.

11 MR. GOETZ: Offer D7-90, Your Honor.

12 MR. THOMPSON: No objection.

13 THE COURT: D7-90 is admitted and may be
14 published.

15 BY MR. GOETZ:

16 Q. So, Ms. Wade-Ardley, could you kindly tell the jury what
17 we see here?

18 A. Potatoes and onions and milk and things in the bags,
19 yes.

20 Q. Okay. Do you recognize anybody in this particular
21 photograph?

22 A. Yes, sir.

23 Q. Point out to us who you recognize, please.

24 A. I recognize the lady in the -- I recognize them all.

25 Q. Okay. All right. Great. This is your team?

1 A. Yes.

2 Q. Okay. So just tell us who we're looking at here, maybe
3 going from left to right.

4 A. We have looks like Jeanetta Jones. We have Denise
5 Loving. We have Chinda Gregor. We have -- looks like me
6 standing over in the corner. Mm-hmm.

7 Q. Can you just point to where you are? That's a touch
8 screen there, if you just kind of put a little mark.

9 A. Yep. Mm-hmm.

10 Q. So which one are you? What are you wearing?

11 A. A blue jacket. It's the lady with the big stomach.
12 That's me.

13 Q. And you have the pretty hat, is that right, with a -- or
14 are you the one with the visor?

15 A. I'm the one with the visor.

16 Q. Okay. All right. So what are you doing in this
17 photograph?

18 A. Watching as they are going back and forth. I have an
19 illness where I can't always do as much movement as some of
20 my others, so I'm always there supporting them.

21 Q. Okay. So we can see all the food that looks like
22 potatoes and onions and milk. What's the process? There's
23 a bunch of bags right behind you. What's the process? Can
24 you help explain that to the jury?

25 A. When the cars would come up, they would tell us how many

1 in the family. And we would, according to how many we were
2 told the bag would feed, we'd give them a bag, we'd give
3 them milk and potatoes and onions.

4 Q. Okay. You had like ratios that you would -- or a
5 formula that you would follow?

6 A. We were given that, yes.

7 Q. Okay. Given that by Mr. Shariff or who would -- who
8 would bring that?

9 A. Whoever dropped off the truck -- I mean, dropped off the
10 food would tell us.

11 Q. Okay. And so when you say there were -- I think you
12 said like two to three people would be -- enough food for
13 two to three people in a bag. Would that be for meals for a
14 week?

15 A. It would be stuff to make a meal.

16 Q. Okay. And so how many -- for the individual people,
17 were there -- how many meals were in a bag for each person?
18 In other words, was it seven meals for one person, 14 meals
19 for one person, 28 meals for one person?

20 A. I really don't know the answer to that. We were just
21 told that a bag with so many would feed so many.

22 Q. So many people?

23 A. Yes.

24 Q. Okay. So if you had -- I mean, there's breakfast,
25 lunch, snack, supper. Four meals, right?

1 A. Yes.

2 Q. So if you were told a bag would feed three people and it
3 was four meals, then that would be -- I'll have to -- my
4 math colleague is over there, but -- but that would be 84
5 meals for one person in a bag, right? If you had three
6 people, four meals for a week, there's 84 meals in a bag?

7 A. I don't know how to answer that.

8 Q. Okay.

9 A. Yeah.

10 Q. Perhaps we can agree on this. You don't know exactly
11 how many meals were in a bag. You just know how many people
12 that bag of food was supposed to serve for a week, right?

13 A. Yes.

14 Q. Because --

15 A. Yes, sir.

16 Q. -- the food was just distributed once a week, right?

17 A. Yes, sir.

18 Q. So let's look at D7-91, please. Do you recognize this
19 photograph?

20 A. Mm-hmm.

21 Q. Is that a "yes"?

22 A. Yes, sir.

23 Q. That's --

24 A. Same day, mm-hmm. Yes, sir.

25 Q. And this is another true and accurate depiction of food

1 distribution at the Oak Grove Middle School?

2 A. Yes, sir.

3 MR. GOETZ: Offer D7-91, Your Honor.

4 THE COURT: Any objection?

5 MR. THOMPSON: No objection.

6 THE COURT: D7-91 is admitted and may be
7 published.

8 MR. GOETZ: Let's just go through and identify a
9 couple others, and then we'll publish them at the same time,
10 if that's agreeable.

11 D7-97, please.

12 BY MR. GOETZ:

13 Q. Again, is this a photograph showing meal distribution at
14 the Oak Grove Middle School?

15 A. Yes, sir, all the same day.

16 Q. True and accurate --

17 A. Yes, sir.

18 Q. -- depiction?

19 MR. GOETZ: D7-98, please.

20 MR. THOMPSON: No objection.

21 THE COURT: D7-97 is admitted.

22 D7-98, any objection?

23 MR. THOMPSON: No objection.

24 THE COURT: Also admitted.

25 MR. GOETZ: Can we look at D7-79, please?

1 BY MR. GOETZ:

2 Q. Do you recognize this photograph?

3 A. Yes, sir.

4 Q. Again, true and accurate depiction of food distribution
5 at the Oak Grove Middle School?

6 A. Yes, sir.

7 MR. GOETZ: Offer D7-79, Your Honor.

8 MR. THOMPSON: No objection.

9 THE COURT: D7-79 is admitted.

10 MR. GOETZ: D7-80, please.

11 BY MR. GOETZ:

12 Q. Again, same location, Oak Grove Middle School, correct?

13 A. Yes, sir. The same day, yes, sir.

14 Q. Same activity?

15 A. Yes, sir.

16 Q. Distribution of food, true and accurate depiction,
17 correct?

18 A. Yes, sir.

19 MR. GOETZ: Offer D7-80.

20 MR. THOMPSON: No objection.

21 THE COURT: D7-80 is admitted.

22 MR. GOETZ: May I just have a moment to confer
23 with counsel to perhaps speed this up a little bit?

24 THE COURT: You may.

25 Actually, I'd like to take a -- I'd like to take a

1 morning break. Can we do that and have her --

2 MR. GOETZ: Perfect, Your Honor.

3 THE COURT: Or are you close to being --

4 MR. GOETZ: I have more, so perfect, Your Honor.

5 THE COURT: So, members of the jury, I'm going to
6 have you come back at 11:00. We have a couple of items that
7 I need to address with the attorneys as well, and so I'm
8 going to have you all come back at 11:00.

9 THE CLERK: All rise.

10 **IN OPEN COURT**

11 **(JURY NOT PRESENT)**

12 THE COURT: Counsel, I'm going to give you a break
13 until 10:45, and then we'll address that motion in limine.

14 MR. THOMPSON: That's fine, Your Honor.

15 MR. GOETZ: Thank you, Your Honor.

16 THE COURT: Thank you.

17 (Recess taken at 10:27 a.m. till 10:47 a.m.)

18

19 **IN OPEN COURT**

20 **(JURY NOT PRESENT)**

21 THE COURT: You may all be seated.

22 We are on the record out of the presence of the
23 jury.

24 The first thing I'd like to take up is the motion
25 in limine to exclude hearsay evidence. There was a motion

1 Document Number 518 and a response Document Number 519.

2 Let me first ask, Mr. Mohring, before you give
3 your argument, I need some clarification on the government's
4 intention here.

5 518-1 --

6 Is this Mr. Thompson who's arguing for the --
7 Mr. Jacobs. Thank you.

8 518-1 includes not only, at page 2, it includes
9 the first, 2 and 3, the first portion of a letter that is
10 signed X Youth of DFC. And then page 4 includes a note
11 beginning, "Parents," and it is in two portions.

12 The government's response addresses only the
13 second portion of what I just said, which is page 4 of 7 of
14 Document 518-1.

15 What is the government's intention? Is it to
16 offer the entire -- both copied letters or just one?

17 MR. JACOBS: Your Honor, I think we can drill down
18 even a little bit more. I think the government is focused
19 on these two screen captures beginning with, "Parents, your
20 children have been exploited."

21 THE COURT: So you do not intend to offer a letter
22 to the Bloomington community that's on pages 2 and 3 of
23 518-1?

24 MR. JACOBS: No, Your Honor, nor the following two
25 text messages -- or three-text message screen captures.

1 THE COURT: "That's so crazy," et cetera?

2 MR. JACOBS: No, Your -- so it would be -- Your
3 Honor, I can just go through in order. It starts with the
4 letter to the Bloomington community.

5 THE COURT: Do you intend to offer --

6 MR. JACOBS: That screen capture we do not intend
7 to offer.

8 THE COURT: Okay.

9 MR. JACOBS: The one starting, "The rich get
10 richer and the poor get poorer," we don't intend to offer
11 that.

12 And, similarly, on the next page, "Received a
13 significant \$40,000 donation," don't intend to offer that.

14 THE COURT: All right. And how about, "There's so
15 many more allegations," et cetera, which are just the --

16 MR. JACOBS: Sorry, Your Honor. We do intend to
17 offer those substantive text messages as coconspirator
18 statements.

19 We would redact the screen captures so there would
20 be no hearsay, potential hearsay issue, within those text
21 messages.

22 THE COURT: Okay. And so then we're focused on
23 the -- for the hearsay within hearsay, as the defendants
24 have alleged, we're focused on the parents, which is at
25 Document 518-1, page 4.

1 And you're offering to redact the sentence, "The
2 masterminds of these acts are" -- you're offering to redact
3 that sentence.

4 MR. JACOBS: Your Honor, I guess we would submit
5 that it's not overly prejudicial. If the court's inclined
6 to believe that referring to one of the defendants as the
7 mastermind is prejudicial, then we would redact that and
8 that's not a problem.

9 THE COURT: All right. Anything else you want to
10 clarify to drill down?

11 MR. JACOBS: And just to clarify, the three text
12 message screenshots that follow, we'd also redact. That's
13 on page 5 and 6.

14 THE COURT: You would not offer at all? You'd
15 redact the entire --

16 MR. JACOBS: The entirety of those. So what we
17 would seek to offer for its nonhearsay/nontruth purpose
18 would be those two screen captures contained in the text
19 messages on page 4, understanding that we'd be willing to
20 redact the reference to Mukhtar Shariff as the mastermind.

21 THE COURT: Thank you.

22 All right. With that clarification, Mr. Mohring.

23 MR. MOHRING: Thank you, Your Honor.

24 Well, I think we're on the same page, at least.

25 This is hearsay and it's hearsay within hearsay.

1 The prosecution's claim is that they're not
2 offering it for the truth, and their argument shows both
3 that that's not true, but also that -- also that taking the
4 truth offer fangs out of it is beyond the reach of any
5 limiting instruction.

6 As far as it being offered for the truth, in their
7 argument they say, As an offer for the relevance of this,
8 the text communications, including the screenshot of the
9 letter, and even with -- as limiter, I think we're talking
10 about the same thing, are direct evidence that both
11 defendants Abdimajid Nur and Abdiaziz Farah were on notice
12 of Mukhtar Shariff's involvement in the fraud conspiracy to
13 obtain names of youth for the food program.

14 There's -- those are facts that, if presented to
15 the jury, are -- are offered in fact for their truth.

16 Further down on -- I'm looking at page 9 of the
17 prosecution's reply. Here the evidence demonstrates that
18 after the text communication at issue, Defendants Abdimajid
19 Nur and Abdiaziz Farah continued to conspire with Defendant
20 Mukhtar Shariff by submitting fraudulent claims. Continuing
21 to conspire is built on the foundational belief and offer
22 that this is evidence of the conspiracy that they would
23 argue continued.

24 So it is being offered for the truth. And even if
25 an effort were to be attempted to try to take the truthiness

1 out of this, I can't imagine a jury instruction that would
2 viably accomplish that.

3 Dar Al-Farooq is a site directly tied to Mukhtar
4 Shariff, but don't consider it against Mukhtar Shariff.
5 Mukhtar Shariff is a mastermind, but don't consider that
6 against Mukhtar Shariff. Even as redacted, these people
7 were aware of his involvement, but don't consider that
8 against Mukhtar Shariff?

9 I just -- I don't think that a jury instruction
10 that would allow them to introduce even the narrower
11 portions that they're talking about can function
12 meaningfully to protect Mr. Shariff in the way that the
13 Rules of Evidence are designed to protect him.

14 I want to touch briefly on Rule 403, if I may.

15 THE COURT: So can you explain a little bit more
16 about the foundation on which this is built to be
17 "truthiness," I think, is the term that you used.

18 MR. MOHRING: Well, I'm just going from the
19 government's own argument and articulation of what it is
20 that they want to introduce this to show.

21 And what it is that they say they want to
22 introduce it to show is that the two conversants -- and I
23 think we're all clear, but just to make the record clear,
24 Mukhtar Shariff is not a participant, is not suggested to be
25 a participant. If he were, then we would be on very

1 different evidentiary footing, but he's not, and nobody is
2 suggesting otherwise. So what they're offering this is to
3 say that the two conversants were on notice of his
4 involvement in the fraud conspiracy.

5 How do you take his involvement of the fraud -- in
6 the fraud conspiracy out of that, which is what I believe
7 the Rules of Evidence would require, in any meaningful way?

8 THE COURT: All right.

9 MR. MOHRING: Here, the direct evidence
10 demonstrates that after the text communication at issue,
11 they continued to conspire with Mr. Shariff. Again, that
12 presupposes this -- exactly this very evidence of their
13 conspiracy.

14 THE COURT: All right.

15 MR. MOHRING: So I think functionally you can say
16 that the moon isn't round, but it is. This is being offered
17 as evidence; and if the intention is not to, I cannot
18 conceive of a way to effectively take the truthiness out of
19 this and have it only be evidence of the respective
20 awarenesses of the conversants.

21 As evidence of their awareness, which gets to
22 the -- gets us into 403 territory, it's weak.

23 First, I would note that there's abundant
24 evidence. They've got all kinds of text conversations
25 between these two people where they're not grafting in

1 statements of third parties, unknown third parties. All of
2 the evidence identified in their memorandum in terms of how
3 this fits in is all stuff that is already in evidence.

4 As evidence of the knowledge and awareness of the
5 two conversants, this is weak. There's not a lot of
6 discussion between the two of them of, okay, what does this
7 mean and what about this part and what about that part.

8 What is presented -- I understand that they're
9 proposing a redaction from the exhibit that has been
10 offered, but what's presented in this letter is a long
11 laundry list of complaints, wandering very far from anything
12 that has anything to do with this case, what kind of car
13 they drive, people that used to work at the mosque, things
14 like that.

15 So as -- as affirmative evidence in the 403
16 balance even of the not-for-the-truth portion of this,
17 there's not a lot there. They have an abundant -- abundance
18 of other evidence to inform that concept. They don't need
19 this.

20 And on the prejudicial side, even -- even stripped
21 of the Mukhtar Shariff is a mastermind, what's still being
22 discussed is names at Dar Al-Farooq, a site that is
23 inextricably tied to Mukhtar Shariff.

24 THE COURT: I don't actually see Dar Al-Farooq
25 here if you take that sentence out. I do see Minnesota

1 Youth Connection. And I don't know the -- I don't know --
2 is Minnesota Youth Connection connected to Dar Al-Farooq?

3 MR. MOHRING: It is, Your Honor.

4 THE COURT: And have we had evidence of that?

5 MR. MOHRING: I don't believe we have. I believe
6 that we will ultimately, but --

7 THE COURT: Okay.

8 MR. MOHRING: And that then gets into the area of
9 404. So to the extent that this is discussed -- discussion
10 of alleged misconduct in connection with other programming
11 and other activity, the deadline for 404 notice set by the
12 court's order was 30 days before trial. We have received no
13 notice of this. I realize that all of this gets into this
14 as being offered as affirmative evidence, not as evidence
15 not for the proof, but it is affirmative evidence and
16 offered outside of the scope of the 404 practice.

17 So it's hearsay. To the extent that it's not, 403
18 should preclude it. And therefore it should be excluded.

19 THE COURT: Thank you.

20 Mr. Jacobs.

21 MR. JACOBS: Thank you, Your Honor.

22 The text messages and the screen captures within
23 them are nonhearsay and not offered for the truth of the
24 matter asserted. This is a classic case of offering them to
25 prove notice and to prove intent, and both of those issues

1 are paramount in this case.

2 And to be clear, while it's offered writ large for
3 the conspiracy, the crux of this is not about Mukhtar
4 Shariff. The crux of this is about Abdiaziz Farah and
5 Abdimajid Nur, the two people having a conversation in this
6 text message.

7 Now, the claims in the screen captures about
8 fabricating or fraudulently coming up with lists of names
9 isn't being offered for the truth of the matter asserted.
10 It's being offered to show that both of these individuals --

11 THE COURT: Sorry. Just one minute.

12 (Witness enters and exits the courtroom)

13 THE COURT: Thank you, agent.

14 Go ahead, Mr. Jacobs.

15 MR. JACOBS: Thank you, Your Honor.

16 It's being offered to show that both of these
17 individuals were on notice --

18 THE COURT: Of what?

19 MR. JACOBS: -- that this was occurring. And
20 that's -- that's the core issue in this case, Your Honor.
21 And the defendants are arguing that they acted in good faith
22 and they believed that they were providing real food and
23 real meals to real people. And a nontruth purpose of this
24 for notice and intent goes directly to the heart of that
25 issue.

1 THE COURT: But isn't it saying, I'm on notice
2 that my coconspirator is committing fraud and, therefore,
3 it's proving that my coconspirator is committing fraud? And
4 how is that fair to that coconspirator Mr. Shariff? Right?

5 MR. JACOBS: Well, I guess there's two parts to
6 that question. I think there's the hearsay part to it and
7 the 403 part to it, and I can address the 403 part as to
8 Mr. Shariff in a minute.

9 But as to the hearsay part, there's a fine line
10 between notice and intent and -- for the truth of the matter
11 asserted. But the defining principle there, Your Honor, is
12 that it's not offered to show the truth of the matter there.
13 It's offered to provide notice. And consumer complaints or
14 complaints like this, courts routinely allow that to put the
15 individuals on notice.

16 I admit it's a fine line and it's a close call,
17 but in this particular case we're on the other side of that,
18 where it's all about notice here and the underlying
19 allegations in here aren't offered for the truth of the
20 purpose.

21 THE COURT: All right. Tell me about the
22 basketball program and what is going to come in about the
23 basketball program.

24 MR. JACOBS: May I confer one moment, Your Honor?

25 THE COURT: Yes.

1 (Government counsel confer)

2 MR. JACOBS: Your Honor, there are some emails
3 that we have marked. I don't anticipate that we're going to
4 be extensively talking or proving up Minnesota Youth
5 Connection. It's kind of a tangential issue. We're not
6 going to offer it up to show the truth or the connection to
7 Mr. Shariff here.

8 My understanding is that Minnesota Youth
9 Connection was a basketball program Mr. Shariff started in
10 2020 and, as part of that program, there were some sign-up
11 sheets that were circulated. That's kind of the basis for
12 the complaint that's alleged in these screen captures.

13 THE COURT: All right. Here's what I'm going to
14 do. I'm concerned about the truth that -- that I'm unable
15 to untangle the truth from the notice, and, therefore, I'm
16 going to allow it in a limited way.

17 I want the reference to Mukhtar Shariff redacted,
18 and so the mastermind's sentence should be redacted.

19 And the first sentence, Minnesota Youth
20 Connection, a/k/a MYC, has committed fraud, and the next
21 sentence should also be redacted.

22 And that takes out, I believe, the reference to
23 any person and simply refers to the fact that -- or the
24 government can attempt to argue that the two participants of
25 the text messages, Mr. Farah and Mr. Nur, were on notice of

1 names used.

2 The "attention parents" part of it is -- is, I
3 think, the complaint part of it and, therefore, on notice
4 that names were being used by someone in a way that was not
5 appropriate, and so parents should be on notice. That is as
6 akin to a complaint in the case law as I think I can get,
7 and so that -- all those portions should be redacted.

8 MR. JACOBS: Understood, Your Honor. Thank you.

9 THE COURT: All right. In addition, this entire
10 exhibit is subject, I believe, to the *Bell* procedure. Am I
11 correct? For coconspirator statements?

12 MR. JACOBS: Correct, Your Honor.

13 THE COURT: Okay. And so it would be
14 conditionally admitted, and I will conditionally admit it.

15 I will say that it is conditionally admitted; and
16 then at the end of the government's case, we'll make the
17 findings that I need to or not under *Bell*.

18 Is that acceptable to anyone, and does anyone have
19 any objection to that on the defense side?

20 MR. MOHRING: We did on that -- if I may, Your
21 Honor.

22 THE COURT: Yes.

23 MR. MOHRING: We did on that file a motion in
24 limine. I think we're in the posture of a standing
25 objection on that, asking that their demonstration about --

1 and proof of the conspiracy precede the introduction.

2 The court has ruled on that. I'm not proposing to
3 relitigate that, but with the exception of that --

4 THE COURT: I will say even if -- well, as to the
5 two individuals in -- not Mr. Shariff, I will say that it
6 appears to me that the government has met its burden under
7 *Bell* to prove by a preponderance of the evidence that
8 Mr. Nur and Mr. Farah have participated in a conspiracy and,
9 therefore -- again, that's a preponderance standard. It is
10 not to be referenced before -- so even if it needed to
11 proceed, I believe that that burden has been met.

12 Whether these are in furtherance of the conspiracy
13 is a different question and something I would need to -- I
14 have not made that finding on.

15 Does that make sense?

16 MR. MOHRING: Got it.

17 THE COURT: Is anyone -- Mr. Farah or mister --
18 anyone else wants to --

19 MR. SCHLEICHER: Yes, Your Honor.

20 THE COURT: Do you want me to make sure that I
21 have said the correct Mr. Farah?

22 MR. SCHLEICHER: Yes, Your Honor.

23 THE COURT: Yes. What I meant when I said that
24 was Mr. Abdiaziz Farah.

25 MR. SCHLEICHER: Thank you, Your Honor.

1 MR. MOHRING: If I -- two requests, just focusing
2 in on what's actually going to go to the jury and the
3 court's ruling.

4 So we're down to what's page 4 of 7 on
5 Document 518-1, I believe.

6 THE COURT: I was only focused on the letters that
7 were cut and pasted. The entire text message string I think
8 is -- I don't think was the focus of your motion.

9 MR. MOHRING: But as to those letters, I think
10 we're down to just those two things on page 4, right?
11 Everything else is coming out?

12 THE COURT: That's my understanding.

13 Mr. Jacobs?

14 MR. JACOBS: Yes, Your Honor. Of the screen
15 captured text messages, correct.

16 MR. MOHRING: And so of the screen captures, I
17 would ask that the court consider, going to the mastermind's
18 paragraph, that the court strike not just Mukhtar Shariff,
19 but also the a/k/a that appears there.

20 THE COURT: Yes, it's that entire sentence.

21 MR. MOHRING: Okay. And then the final -- my
22 final request is that outside of this, I mean, the context
23 of the hearsay is identified in the discussion as
24 Dar Al-Farooq. To remove the prejudice or restrict the
25 prejudice away from Mr. Shariff, I would ask that the

1 identification of the site in the text exchange be redacted
2 also.

3 THE COURT: The identification after --

4 MR. MOHRING: Of Dar Al-Farooq as the place that
5 they're talking about.

6 THE COURT: Where do you see that?

7 MR. MOHRING: Well, let's see. So it starts on --
8 so if you go to page 1 of 7 of Document 518-1.

9 THE COURT: Ah.

10 MR. MOHRING: It begins with, "These Dar Al-Farooq
11 kids are crazy." I think that may be the location where --
12 then there's a discussion actually further on page 3 of 7 at
13 the bottom of the page. "I think they are after Afrique and
14 Uabeeg," U-A-B-E-E-G.

15 THE COURT: All right.

16 MR. MOHRING: And then on page 607, "They Are
17 After Mukhtar and Arab."

18 That's it.

19 THE COURT: Mr. Jacobs?

20 MR. JACOBS: Your Honor, these are just classic
21 coconspirator statements. We have sanitized the nontruth
22 portion as much as possible.

23 In terms of the 403 analysis, we've heard
24 extensive evidence, and we'll hear more evidence about
25 Dar Al-Farooq involvement of these individuals and rosters.

1 So I think at that point it's unnecessary to sanitize it any
2 more. The probative value far outweighs any additional
3 prejudice here.

4 THE COURT: I do agree with that, so I'm not going
5 to sanitize the names.

6 I'm going to bring the jury in. I wanted to note
7 this, I could note it at noon, but while I have you, the
8 jury has been asking for the indictment.

9 I did not give it to them at the beginning. I, of
10 course, summarized it in the preliminary instructions. And
11 unlike some judges in this district, I don't give a written
12 copy of the preliminary instructions to the members of the
13 jury. But I understand why they are asking. They are
14 trying to keep in mind what these individuals are charged
15 with.

16 The indictment itself is a narrative or contains a
17 lot of narrative, and so I'm not inclined to give them the
18 indictment at this point until closing arguments have been
19 made, but I do think it is fair that they want a list at
20 least of the charges against the defendants.

21 And so I am just requesting that you all consider
22 that. My suggestion to you, subject to your input, is that
23 I give them a chart that you create of the -- of simply the
24 charges against each individual so that they can keep track
25 of the evidence.

1 They are paying attention and trying to do a good
2 job at that, and I think it's fair. It's a fair request.
3 But, again, until closing arguments, I'm not inclined to
4 give them the narrative portion of the indictment, nor are
5 my preliminary instructions particularly useful because I
6 think I said 20 counts of wire fraud. I wasn't -- I wasn't
7 particular for time reasons in my preliminary instructions.

8 So that's my suggestion. If you all could meet
9 and confer on it, I'll give them something tomorrow morning.
10 Okay? Thank you.

11 Let's go get the jury.

12 MR. THOMPSON: Your Honor, can I just make one
13 other suggestion --

14 THE COURT: Yes.

15 MR. THOMPSON: -- at the court's convenience. I
16 don't know how much longer Mr. Goetz has on
17 cross-examination of this witness, but I would suggest if
18 the court prefers that we break for lunch after that. We've
19 made a bunch of changes to these text messages.

20 THE COURT: Sure.

21 MR. THOMPSON: Just to make sure that we're all on
22 the same page; and if there's any last-minute cleanup, that
23 it gets made and I don't accidentally try to publish an
24 incorrect version.

25 THE COURT: That's fine. My question would be

1 when we come back, I want to make sure I allow -- if we
2 broke at 12:00, that might be a one-and-a-half-hour lunch if
3 I allow for prayer. And I'm just not sure where we are on
4 that. So let's just confer on that at the time that we need
5 to. Okay?

6 MR. THOMPSON: None of us are going to object to a
7 longer lunch, but it's up to Your Honor.

8 THE COURT: All right. Thank you.

9 Okay. Go ahead. Thank you.

10 They're not lined up, so just give them a minute.

11

12

IN OPEN COURT

13

(JURY PRESENT)

14

THE COURT: You may all be seated.

15

And, Mr. Goetz, you may continue your inquiry.

16

MR. GOETZ: Thank you, Your Honor.

17

Just for the record, I would now offer D7-79 to

18

D7-89, which by stipulation are admissible.

19

MR. THOMPSON: No objection, Your Honor.

20

THE COURT: Those exhibits are admitted and may be

21

published.

22

MR. GOETZ: Thank you.

23

BY MR. GOETZ:

24

Q. Ms. Wade-Ardley, I want to now just walk through some of

25

the photographs, we've looked at a couple of them, but

1 showing food distribution at the Oak Grove Middle School.

2 Okay? So let's start with D7-97.

3 So you talked about a truck coming loaded with
4 food, right? Is that the truck that we see on the
5 right-hand side there?

6 A. Yes, sir.

7 Q. Okay. And there's -- looks like a vehicle, a white
8 vehicle, and then behind it another vehicle. We just see
9 the front license plate.

10 Can you explain to the jury kind of the process of
11 what's going on here? What do we see in this photograph,
12 D7-97?

13 A. When the truck would come, we'd unload the food and put
14 it wherever we could. We had moved to a different door
15 because it was cold, but then the cars would line up, and we
16 would distribute the food there.

17 Q. Okay. And would the driver tell the staff how many bags
18 of food they would like?

19 A. No. They'd tell us how many is in the family.

20 Q. Okay. Tell you how many family. And then you would put
21 the -- for the number of kids in the family.

22 So if they say, I have six kids, say, or six
23 people in the family, six people in the family, and you had
24 three people for each bag, then they would put two bags of
25 food in the car. Would that be about right?

1 A. Yes, sir.

2 Q. Okay. And that's what we see here, right? People
3 getting food?

4 A. Yes, sir.

5 Q. Okay. D7-98, please. What do we see here?

6 A. The same thing.

7 Q. Okay. So the first -- the white car is getting its
8 food, and the Honda that's next in line would pull up after
9 that, right?

10 A. Yes, sir.

11 Q. And looks like you're in the front there holding a bag
12 of food in your left hand with a visor; is that right?

13 A. No. I'm the one that's way back in the back.

14 Q. Oh --

15 A. That one (indicating).

16 Q. Which one are you?

17 A. This one right here (indicating). Can you see me?

18 Q. Okay. All right. Okay. Supervising?

19 A. Helping, encouraging.

20 Q. All right. All right. Good for you.

21 Let's look at D7-79, please. Onions being taken
22 out of the truck. This is earlier in the process, before
23 they're put in the staging area? Is that --

24 A. Absolutely. Yes, sir.

25 Q. -- what we see here?

1 D7-80, please.

2 Moving the food into place?

3 A. Yes, sir.

4 Q. Do you know the gentleman in the plaid coat? Do you
5 recognize who --

6 A. That's Omar. That's Khalid.

7 Q. Khalid? Okay.

8 And the other two gentlemen, drivers?

9 A. No. One is a custodian who also helped us, because the
10 building had to be opened by a custodian.

11 Q. Okay.

12 A. And then the other gentleman works for me.

13 Q. Okay. All right. D7-81, please.

14 Again, onions being moved into place, right?

15 A. Yes, sir.

16 Q. D7-82. This is the food when it's just coming off the
17 truck, obviously, before it's put in the staging area?

18 A. Yes, sir.

19 Q. D7-83. Same -- same scene, different view?

20 A. Yes, sir.

21 Q. D7-84. And this is onions in the staging area?

22 A. Yes, sir.

23 Q. D7-85. The bags of food. That's what we see here?

24 It's a little blurry, but that's what we see here, right?

25 A. Yes, sir.

1 Q. D7-86. What do we see here?

2 A. Her -- she has -- that's how we take the numbers, and
3 sometimes she's just talking to them. She speaks Spanish.
4 And so we had to have people who speak different languages
5 there.

6 Q. Okay. And the sign in the back, Free Food Supplies
7 Here, 10:00 a.m. to 1:00 p.m. Is that -- was that sign
8 routinely out there Saturday, week in and week out?

9 A. Yes, sir.

10 Q. And it's true, is it not, that anyone could pick up
11 food, correct?

12 A. Yes, sir. We did not check IDs, no.

13 Q. So it wasn't just limited to students in Bloomington
14 School District, correct?

15 A. Yes, sir.

16 Q. They could be from private schools. They can be from
17 home schools. They could be even people outside the
18 district who just heard about it, correct?

19 A. Yes.

20 Q. You didn't check any IDs?

21 D7-87, please.

22 A little different view, checking how much food
23 they want. I suppose -- I assume that's what's going on
24 here, right?

25 A. Yes.

1 Q. D7-88. Bags of food ready to be distributed?

2 A. Yes, sir.

3 Q. And, lastly, D7-89. A little bit different view.

4 Now, you talked about the vehicles. And would the
5 people line -- when they would come to get food, would they
6 kind of line up in a line of cars? Is that how it went?

7 A. Yes, sir.

8 Q. And that's something that you observed from firsthand
9 knowledge?

10 A. Yes, sir.

11 Q. I want to show you what's been marked for identification
12 as D7-47. And I'm just -- it's a little clip. I just want
13 you to watch it, and then I'll ask you some questions.

14 Okay?

15 MR. GOETZ: Just for the witness, please.

16 (Video recording played)

17 BY MR. GOETZ:

18 Q. So did you see that clip?

19 A. Yes, sir.

20 Q. Did you recognize Oak Grove Middle School?

21 A. Yes, sir.

22 Q. Did you recognize the line of cars lined up as they
23 would be on a typical Saturday?

24 A. Yes, sir.

25 Q. Was that a true and accurate depiction of what the line

1 of cars would look like when they were there to pick up food
2 on a Saturday when you were there?

3 A. Yes, sir.

4 MR. GOETZ: Offer D7-47, Your Honor.

5 MR. THOMPSON: No objection.

6 THE COURT: D7-47 is admitted and may be
7 published.

8 Can you clear the screen of the marking? Above
9 your pay grade?

10 MR. GOETZ: Yeah, above my pay grade, Your Honor.

11 THE COURT: It's not an easy thing to do.

12 Thank you.

13 MR. GOETZ: I see the clear annotation button now
14 right in front of me.

15 Thank you, Ms. Walcker.

16 Let's all look at D7-47, please.

17 (Video recording played)

18 BY MR. GOETZ:

19 Q. So, Ms. Wade-Ardley, if you could just explain to the
20 jury, what did we just see in that short video clip?

21 A. You saw cars lined up for us to start giving out food.

22 Q. And that's how it would appear, basically, every
23 Saturday?

24 A. Yes.

25 Q. Week in, week out?

1 A. Yes, sir.

2 Q. So I want to move now to a different topic.

3 If we can look at C-333, which I believe is in
4 evidence.

5 THE COURT: It is not.

6 MR. GOETZ: Okay.

7 THE COURT: So just for the witness?

8 MR. GOETZ: Just for the witness then.

9 BY MR. GOETZ:

10 Q. Do you -- showing you what's been marked for
11 identification as C-333, do you recognize the contents of
12 this email?

13 A. Yes, I do.

14 Q. Okay. This is the email that you ultimately sent out
15 that is in evidence as G-336, is that right, the one that
16 Mr. Thompson was asking you some questions about? Is that
17 right?

18 A. I think so.

19 Q. All right. Let me ask a different question. I'm sorry.
20 It reads differently.

21 Do you see your email address on this email --

22 A. Yes, sir.

23 Q. -- C-333? Do you recall receiving this email?

24 A. It says I received it. I don't recall it, but, yes, it
25 says I received it.

1 Q. Okay. Do you have any dispute that this is an accurate
2 copy of an email that you received?

3 A. I have no dispute.

4 MR. GOETZ: Okay. Offer C-333, Your Honor.

5 MR. THOMPSON: No objection, Your Honor.

6 THE COURT: C-333 is admitted and may be
7 published.

8 BY MR. GOETZ:

9 Q. So this email C-333 appears to have been sent from a
10 person by the name of Mahad Ibrahim; is that right?

11 A. Correct. Yes, sir.

12 Q. To Khalid Omar; is that right?

13 A. Yes, sir.

14 Q. And you were copied on this email, correct?

15 A. Yes, sir.

16 Q. But other than that, you don't recall the email? Is
17 that my understanding?

18 A. I don't.

19 Q. Okay. Do you know why you were copied on this email or
20 anything?

21 A. Because I'm OEE food program.

22 Q. Okay. And you see that in the subject line, OEE,
23 correct?

24 A. Correct. Yes, sir.

25 Q. All right. Now let's look at G-336.

1 Oh, okay. I guess we don't have that in the
2 defense system yet. If we can get G-336, please. Let's
3 actually start at the beginning. So this --

4 Thank you, Mr. Thompson.

5 So this is the email that you received from Khalid
6 Omar on July 23rd of 2021, correct?

7 A. Yes, sir.

8 Q. And this was sent along with a request that you send
9 that out to other recipients, correct?

10 A. Yes, sir.

11 Q. Okay. And can we have C-333 back up, please?

12 So this initial email from Mahad Ibrahim, it's
13 dated June 25, 2021, correct?

14 A. Correct.

15 Q. And let's look back at G-336. I believe the date of
16 that is July 23, 2021.

17 MR. GOETZ: Thank you, Mr. Thompson.

18 BY MR. GOETZ:

19 Q. Correct?

20 A. Yes, sir.

21 Q. So you just know that you got this text from -- or this
22 text, the contents of it -- from Khalid Omar, correct?

23 A. Yes, sir.

24 Q. Who actually put that together and who wrote that
25 originally, you don't know, correct?

1 A. Yes, sir.

2 Q. But, ultimately, that's something that you did send out
3 freely and voluntarily, right?

4 A. Unfortunately, yes, sir.

5 Q. Nobody forced you to do that, did they?

6 A. No.

7 Q. But you had some initial concerns, right?

8 A. Yes, sir.

9 Q. Specifically about the 3,000 children number, correct?

10 A. Yes, sir.

11 Q. And I note it says, "We routinely serve up to 3,000
12 children." It doesn't say "meals" it says "children,"
13 correct?

14 A. Yes, sir.

15 Q. And so when you had those concerns, you did something to
16 try to address the concerns, right, or alleviate them before
17 you would send it out, right?

18 A. Yes, sir.

19 Q. And what you did is you reached out to Mukhtar Shariff,
20 correct?

21 A. Yes, sir.

22 Q. And you sent him this email then on July 23, 2021, "I am
23 not sure that 3,000 is the correct number. Maybe 1,000 each
24 week," exclamation point, correct?

25 A. Right.

1 Q. And the 1,000 each week, that was your number, correct?

2 A. Yes.

3 Q. That was the number of children, correct?

4 A. Yes.

5 Q. Served at Oak Grove Middle School?

6 A. Meals, yep.

7 Q. Let's go back. What this reads, Ms. Di- --

8 A. Dinna.

9 Q. Dinna, I'm sorry. Ms. Dinna Wade-Ardley, "We routinely
10 serve up to 3,000 children through this partnership," right?

11 A. Yes, sir.

12 Q. Okay. You had concerns about that. So then you sent
13 this question, "I'm not sure that 3,000 is the correct
14 number. Maybe 1,000 each week," exclamation point, correct?

15 A. Correct. And before that, it says, "I'll explain" -- he
16 says to me -- "by telephone."

17 Q. Sure. We'll get to that. We're just taking it
18 step-by-step. Okay?

19 A. Yes, sir.

20 Q. And he said, "I'll explain via phone in a minute,"
21 correct?

22 A. Correct.

23 Q. But the 3,000 number that you were referencing in this
24 text that you -- or the email that you sent was the 3,000
25 number in that earlier proposed communication that was sent

1 to you, right?

2 A. Yes, sir.

3 Q. All right. So then you had a conversation with Mukhtar
4 Shariff, correct?

5 A. Yes, sir.

6 Q. And Mr. Shariff explained to you, as I understand it,
7 that the 3,000 children number, that was a combined Oak
8 Grove Middle School and Dar Al-Farooq, correct?

9 A. Yes, sir.

10 Q. And you never visited the Dar Al-Farooq site yourself,
11 correct?

12 A. Not personally, no.

13 Q. Okay. And so you don't have personal knowledge of how
14 many meals were served at that location, do you?

15 A. No.

16 Q. Okay. Thank you.

17 MR. GOETZ: And thank you, Mr. Thompson.

18 MR. THOMPSON: You are welcome.

19 BY MR. GOETZ:

20 Q. So let's talk about the Dar Al-Farooq mosque for a
21 moment.

22 Have you ever attended that mosque?

23 A. I've been there, yes.

24 Q. Okay. Are you aware it's one of the largest mosques in
25 the State of Minnesota in terms of the number of people in

1 the congre- -- you know, people in the congregation,
2 congregates or parishioners?

3 A. No, I did not know that.

4 Q. Okay. Do you know that people attend that mosque from
5 all over the Twin Cities metro area?

6 A. Yes, sir.

7 Q. Okay. So when Mr. Shariff was communicating to you, you
8 know, the basis as he understood it for that 3,000 children
9 number, you didn't have any reason to doubt him at that
10 point, correct?

11 A. No, sir.

12 Q. And he didn't express any doubt to you, correct? That's
13 what was the number that he believed, right?

14 A. Yes, sir.

15 Q. When you add the two sites together, correct?

16 A. Yes, sir.

17 Q. So having had that explanation and relying on that
18 explanation and feeling confident in that explanation, then
19 you sent out the email, correct?

20 A. Yes, sir.

21 Q. Because if you didn't believe it was true at the time,
22 you wouldn't have sent it, correct?

23 A. Correct.

24 MR. GOETZ: So let's finally look at then 3- --
25 C-361, please, page 2.

1 BY MR. GOETZ:

2 Q. So just as an example, I think Mr. Thompson showed you a
3 meal count sheet for Dar Al-Farooq. If we can just blow
4 up -- this is for January 3 of 2021.

5 Now, you obviously didn't fill in these numbers,
6 correct, that we see on Sunday, Monday, Tuesday, Wednesday,
7 et cetera?

8 A. No, sir.

9 Q. Okay. And you don't have any personal knowledge of what
10 information went into those numbers, correct?

11 A. No, sir.

12 Q. All you know is the amount of bags of food that were
13 distributed at the Oak Grove Middle School, correct?

14 A. Yes, sir.

15 Q. And similarly --

16 MR. GOETZ: Let's look at C-360, please. Next
17 page.

18 BY MR. GOETZ:

19 Q. The -- this is a CLiCS 2 document. Do you know what a
20 CLiCS document is?

21 A. No, sir.

22 Q. Okay. You don't have any -- in the course of your work
23 with the school district, you don't have any direct
24 communication with the Minnesota Department of Education
25 concerning the Federal Child Nutrition Program, do you?

1 A. No, sir.

2 Q. So when it says meals for the Dar Al-Farooq Islamic
3 Center in December or January 2021, the number 62,000, you
4 don't have personal knowledge of how that number was arrived
5 at, correct?

6 A. No, sir.

7 Q. All right. All you know, again, is the number of bags
8 that were distributed at the Oak Grove Middle School during
9 that month, correct?

10 A. Yes, sir.

11 Q. Let's look at C-336, please. This is jumping back a
12 bit, but this is the email that you ultimately sent out, the
13 earlier kind of draft or proposed language that we looked at
14 in G-336, correct?

15 A. Yes, sir.

16 Q. Now, I want to ask you about this Mahad Ibrahim. Do you
17 remember we saw his name before --

18 A. Yes.

19 Q. -- on C-333, that email you were copied on back on
20 June 25 of 2021?

21 A. Yes.

22 Q. So just wondering, Ms. Wade-Ardley, having looked at
23 that email that you were copied on from Mahad Ibrahim in
24 June of 2021 and this one that you sent out where you copied
25 him on it on June -- sorry -- July 23rd of 2021, do you have

1 any recollection about who Mahad Ibrahim is?

2 A. Absolutely not.

3 Q. Okay. And have you ever heard of ThinkTechAct?

4 A. I have because of the news, yes.

5 Q. Okay. But outside of the news?

6 A. I have no idea what it is.

7 Q. Okay. Let's look at 367, please.

8 So the ThinkTechAct Foundation, do you know if
9 that has any connection with Mahad Ibrahim?

10 A. I do not.

11 Q. Thank you.

12 MR. GOETZ: If I may just have one moment, please,
13 Your Honor.

14 THE COURT: Yes.

15 BY MR. GOETZ:

16 Q. Lastly, the Federal Child Nutrition Program, do you have
17 any knowledge of what are called waivers? I'll just use
18 that term generally.

19 A. No, sir.

20 Q. So all the intricacies of the program, the waivers, how
21 it worked, how food was to be distributed, you have no
22 knowledge, right?

23 A. No, sir.

24 Q. Basically, you were -- you and your team were just
25 helping out getting food to children on Saturdays to break

1 down that barrier so those kids could learn, right?

2 A. Yes, sir.

3 Q. Okay.

4 MR. GOETZ: Thank you. I have no further
5 questions.

6 THE COURT: Does any other defense counsel wish to
7 cross-examine?

8 Mr. Thompson, redirect.

9 MR. THOMPSON: Thank you, Your Honor.

10 REDIRECT EXAMINATION

11 BY MR. THOMPSON:

12 Q. Good morning, Ms. Wade-Ardley.

13 A. Good morning.

14 Q. You're looking at that screen.

15 A. I am.

16 Q. What's your reaction when you see -- when you're shown
17 this letter and this correspondence?

18 MR. GOETZ: Objection. Repetitive, Your Honor.

19 THE COURT: Overruled.

20 You may answer.

21 THE WITNESS: I wish I'd have known more.

22 BY MR. THOMPSON:

23 Q. What would you have liked to have known?

24 A. How many we were -- how many children we were actually
25 serving.

1 Q. You weren't actually serving that many, were you?

2 MR. GOETZ: Objection. Vague, Your Honor.

3 THE COURT: Overruled.

4 You may answer.

5 MR. GOETZ: Also foundation, Your Honor.

6 THE WITNESS: I wasn't, no.

7 THE COURT: As to foundation, I'm overruling it
8 because of the answer, which will stand.

9 BY MR. THOMPSON:

10 Q. I think you said on an average day it was 500 or 600; is
11 that right?

12 A. Average, yes. High was a thousand.

13 Q. So when they asked you to send an email saying it was
14 3,000 children a week, that was a lie; is that right?

15 A. Yes, sir.

16 Q. They asked you to lie?

17 MR. GOETZ: Objection, Your Honor. Argumentative.

18 THE COURT: Sustained.

19 Rephrase.

20 BY MR. THOMPSON:

21 Q. What did they ask you to do?

22 A. They wanted me to say 3,000 including the mosque.

23 Q. Okay. And was that true?

24 MR. GOETZ: Objection. Foundation, Your Honor.

25 THE COURT: Sustained.

1 BY MR. THOMPSON:

2 Q. Ms. Wade-Ardley, when you -- you -- that email I was
3 just showing you there, G-336, why did you feel the need to
4 ask about this, to follow up?

5 A. Because I like to be as truthful as possible.

6 Q. You said you would have liked to have known more. There
7 was a series of cross-examination questions about people
8 making a profit from serving kids. Do you recall that?

9 A. Yes, sir.

10 Q. I want to ask you about some of what you know.

11 First I'm going to show you Government
12 Exhibit B-7, which is a Secretary of State incorporation
13 document for a company called Wadani Consulting LLC. Did
14 you know that Mukhtar Shariff had a company called Wadani
15 Consulting LLC?

16 MR. GOETZ: Objection, Your Honor. Scope.

17 MR. THOMPSON: Your Honor, it's directly
18 responsive to his questions about profits --

19 MR. GOETZ: Sidebar, Your Honor, if we're going to
20 argue.

21 THE COURT: I just wanted a brief response. I'll
22 allow it, see where it's going. Thank you.

23 THE WITNESS: No, sir.

24 BY MR. THOMPSON:

25 Q. I'm directing your attention to page 2. Did you know he

1 created that company on January 6, 2021?

2 A. No, sir.

3 Q. You smirked a little. Why?

4 A. Because that's the time we started doing business.

5 Q. I'm going to show you what's in evidence as Government
6 Exhibit 20, page 357.

7 You heard about Afrique Hospitality Group. Did
8 you know that -- I'm showing you a check now, Government
9 Exhibit O-20 at 357, which is a check from Afrique
10 Hospitality Group to a company called Empire Cuisine &
11 Market for \$275,000.

12 Do you see that?

13 A. I see that.

14 Q. For SFSP, Summer Food Service Program. You've seen this
15 check?

16 A. No, sir.

17 MR. GOETZ: Your Honor, foundation, scope
18 objection.

19 THE COURT: Overruled.

20 You may answer.

21 THE WITNESS: No, sir.

22 BY MR. THOMPSON:

23 Q. And that's on August 26th of 2021; is that right?

24 A. Yes, sir.

25 Q. Now, I'm showing you Government Exhibit O-53 at

1 page 145, which is a check from Empire Enterprises to Wadani
2 Consulting for \$80,000 in October of 2021.

3 Were you aware that Mukhtar Shariff was getting
4 checks like this from Empire?

5 A. No, sir.

6 MR. GOETZ: Your Honor, objection. Scope. Could
7 we have a sidebar?

8 THE COURT: Yes.

9 MR. GOETZ: Foundation.

10 **(Sidebar discussion)**

11 THE COURT: I've overruled scope objections
12 because there were questions on cross about profit made by
13 companies who were providing food.

14 Mr. Goetz?

15 MR. GOETZ: Your Honor, this is not anything to
16 do -- there's been no showing this has anything to do with
17 the food program. This is not going to Afrique. It's not
18 for food. It's not related to Dar Al-Farooq site. This is
19 Wadani Consulting. It's completely different. It's way
20 outside the scope of the cross-examination.

21 THE COURT: Mr. Thompson?

22 MR. THOMPSON: Your Honor, it's absolutely not.
23 Afrique Consulting purported to be buying food from Empire
24 Enterprise -- Empire, which was then kicking back money as
25 consulting payments to Mukhtar Shariff.

1 This is a witness who testified that she and her
2 coworkers worked either for free or on the payroll of
3 Bloomington Public Schools for what they thought was a
4 charitable endeavor.

5 Then she was asked to send an email that she
6 didn't write, that she didn't believe was true, based on the
7 good faith that this was a charity and their
8 representations.

9 Obviously, her knowledge that they were getting
10 this kind of funds is relevant to that. And Mr. Goetz just
11 spent an hour suggesting that this was all on the up and up
12 and she relied in good faith on them, and for all she knows
13 she had reason to believe they were telling the truth.

14 MR. GOETZ: But, Your Honor, there's been no
15 showing that this check is food program money. We don't
16 know where this check came from. Empire Enterprises has all
17 sorts of investment, all sorts of things. There's been no
18 showing that this is food program money. This has nothing
19 to do with the food program.

20 MR. THOMPSON: Your Honor, that's not true. The
21 only money that went into all of these entities came from
22 the food program. He can cross on that, although the
23 evidence is going to come in later at trial showing that all
24 the money that went to all these companies came from the
25 food program. I know Mr. Goetz doesn't like that reality,

1 but that's what it is.

2 THE COURT: Well, I think it goes to the weight
3 and not the admissibility, so I'm going to allow the
4 questioning.

5 (In open court)

6 BY MR. THOMPSON:

7 Q. Were you aware that Mr. Shariff's consulting company was
8 getting payments like that?

9 A. No, sir.

10 Q. Do you have a reaction to that?

11 MR. GOETZ: Objection, Your Honor. 401, 402, 403.

12 THE COURT: Overruled.

13 You may answer.

14 THE WITNESS: That's a lot of money.

15 BY MR. THOMPSON:

16 Q. Would you have wanted to know he was getting money like
17 that when he asked you to send that email?

18 MR. GOETZ: Standing objection, please, Your
19 Honor. Same basis.

20 THE COURT: Noted.

21 BY MR. THOMPSON:

22 Q. Would you have liked to --

23 THE COURT: Sorry. You may answer that.

24 THE WITNESS: Yes, sir.

25

1 BY MR. THOMPSON:

2 Q. Why?

3 A. That's a lot of money. We could be using money for
4 students.

5 Q. I'm showing you Government Exhibit B-28, page 3. Did
6 you know -- this is the articles of incorporation for
7 another entity of Mukhtar Shariff's called Nomadic Ventures.
8 Were you aware of this entity or that he had it?

9 A. No, sir.

10 Q. Directing your attention to page 2, were you aware that
11 he created it on September 20th of 2021?

12 A. No, sir.

13 Q. Now I'm showing you a check -- this is Government
14 Exhibit O-51 at page 82, a check from Empire Cuisine &
15 Market to Mr. Shariff's Nomadic Ventures LLC for \$80,000.

16 Do you see that check?

17 A. Yes, sir.

18 Q. On December 31st of 2021 for program management in
19 October and November.

20 Were you aware of this payment?

21 A. No, sir.

22 Q. Do you have any idea what it's for?

23 A. I have no idea.

24 Q. Would you have liked to have known about it before you
25 sent that email?

1 A. Yes.

2 Q. Would you have liked to have known about it before you
3 and your coworkers --

4 MR. GOETZ: Objection, Your Honor.

5 BY MR. THOMPSON:

6 Q. -- volunteered your time?

7 MR. GOETZ: Leading. Also, this was sent six
8 months after the email. The check is six months after the
9 email. So it's improperly formed, argumentative.

10 THE COURT: Sustained.

11 Can you rephrase?

12 BY MR. THOMPSON:

13 Q. Would you have liked to have known about the check those
14 Saturdays in December of 2021?

15 A. Yes, sir.

16 Q. Ms. Wade-Ardley, did you get any consulting payments for
17 your work distributing food on Saturday mornings in 2020 and
18 2021?

19 A. I didn't get money, no, sir.

20 Q. Did you get any money?

21 A. No money at all.

22 Q. Your coworkers, your employees and your group that
23 worked, did they get money?

24 A. They get paid hourly.

25 Q. And who paid them hourly?

1 A. Bloomington Public Schools.

2 Q. Did they get consulting payments?

3 A. No, sir.

4 Q. Did they get wealthy?

5 A. No, sir.

6 Q. Did you get wealthy during COVID for your work at the
7 school district?

8 A. No, sir. Wealthy in other ways, not with money.

9 MR. THOMPSON: Thank you. No further questions.

10 THE COURT: Any recross, Mr. Goetz?

11 MR. GOETZ: Yes, Your Honor.

12 RE CROSS-EXAMINATION

13 BY MR. GOETZ:

14 Q. Ms. Wade-Ardley, just a few questions. I know this is
15 not your favorite thing to do, but it's important that I go
16 in and clarify some of the things you were just asked about.

17 You work with children, right?

18 A. And families, yes, sir.

19 Q. Children and families from immigrant populations?

20 A. All families, but, yes, that part too, yes.

21 Q. Okay. First-generation Americans?

22 A. Yes, sir.

23 Q. Do you have any objection to those children that you
24 work with from those immigrant families becoming successes?

25 A. Absolutely not.

1 Q. So if they work hard, do you have any objection to them
2 being fairly treated for the work that they do?

3 A. No, sir.

4 Q. You're paid, right?

5 A. Yes, sir.

6 Q. On a salary?

7 A. Yes, sir.

8 Q. Okay. Your staff was paid when they were out there on
9 an hourly basis, right?

10 A. Yes, sir.

11 Q. And you didn't have any objection to that?

12 A. To paying them?

13 Q. Right.

14 A. No, sir.

15 Q. And you had no objection to, obviously, your salary, and
16 you understand this was part of your work, part of your
17 commitment, right?

18 A. Yes, sir.

19 Q. I won't pull the email up, but that -- well, let's look
20 at it.

21 G-336, which I think is just on the government's,
22 if I may. Yes, this page.

23 Maybe 1,000 each week. That was your number,
24 correct?

25 A. Yes, sir.

1 Q. And when you sent that -- and as we've talked about,
2 what was in the email that you sent said 3,000 children,
3 right?

4 A. Yes, sir.

5 Q. So when you sent that email out talking about the 3,000
6 children, you had already talked to Mukhtar Shariff and he
7 told you how he arrived at that number, right?

8 A. Yes, sir.

9 Q. And when you sent that out, you had no reason to believe
10 that you were lying, correct?

11 A. Correct.

12 Q. You believed, yourself, that 1,000 each week was
13 accurate and truthful, right?

14 A. Yes, sir.

15 Q. From Oak Grove Middle School alone, right?

16 A. The max, yes.

17 Q. And how many people or how many children were served at
18 Dar Al-Farooq, you didn't know, correct?

19 A. No, sir.

20 Q. So you have no reason to believe, even as you sit here
21 today, that that number is not the truth, do you?

22 A. No, sir.

23 MR. GOETZ: Thank you.

24 THE COURT: Mr. Thompson.

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REDIRECT EXAMINATION

BY MR. THOMPSON:

Q. I'm sorry, Ms. Wade-Ardley. Do you believe that number is true, that there was actually 3500 kids or 3,000 kids being served in the Bloomington Public Schools back then?

MR. GOETZ: Object to the form of the question, Your Honor.

THE COURT: Overruled.

You may answer.

THE WITNESS: It seems suspect.

BY MR. THOMPSON:

Q. Why does it seem suspect?

A. Because that's a lot of kids.

Q. How many kids are in the entire Bloomington Public School District?

A. Less than 10,000.

Q. How many go to the biggest school in the district?

A. The two biggest school is about 3400.

Q. Combined?

A. Combined.

Q. And that would be Bloomington Jefferson and Bloomington Kennedy High Schools?

A. Yes, sir.

Q. Thank you.

MR. THOMPSON: No further questions.

1 THE COURT: You may step down, ma'am.

2 MR. GOETZ: Your Honor, may I?

3 THE COURT: Oh, you have one more? Yes.

4 MR. GOETZ: Yes. Just to clarify. And I beg the
5 jury's patience.

6 RECROSS-EXAMINATION

7 BY MR. GOETZ:

8 Q. But you don't know where all the children were coming
9 from to get food from Dar Al-Farooq, do you?

10 A. No, sir.

11 Q. And so how many children were there, you have no idea,
12 correct?

13 A. No, sir.

14 MR. GOETZ: Thank you.

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

16 **(Witness steps down)**

17 THE COURT: And, everyone, we'll take our lunch
18 break now and return at 1:30. So that will give you a
19 little bit longer today. 1:30, everybody.

20 All rise for the jury.

21 11:54 a.m.

22 **IN OPEN COURT**

23 **(JURY NOT PRESENT)**

24 THE COURT: 1:30, everyone. We're in recess.

25 Oh, Mr. Garvis.

1 We're not in recess.

2 MR. GARVIS: Yes, one moment.

3 THE COURT: You may step down, though. Thank you
4 so much.

5 **(Witness steps down)**

6 MR. GARVIS: Your Honor, I just want to make sure
7 that the court is going to utilize the *Bell* analysis for all
8 of the text messages that are going to come in today. Is
9 that -- I know it was addressed as related to Mr. Mohring's
10 aspect, but I'm assuming that it was going to be applied
11 textually to everything else.

12 THE COURT: That was my intention. The only
13 question I have is whether you want me to state that they
14 are conditionally admitted each time they come in.

15 MR. GARVIS: Well, in particular, Your Honor, I
16 mean, my client's not a party to any of these text messages,
17 but there is an individual that is being -- that's not
18 necessarily charged in this indictment that is in a text
19 chain with Mr. Abdiaziz Farah.

20 So I just wanted to make sure that -- that that
21 aspect, that I object, honestly, on hearsay grounds and that
22 I preserve that for the record, Your Honor, under *Bell*.

23 THE COURT: And your client isn't on it?

24 MR. GARVIS: Well, he's tangentially named in
25 there, Your Honor, yes.

1 THE COURT: All right. And so what objection are
2 you making?

3 MR. GARVIS: That, Your Honor, that I think that
4 the testimony is -- it's obviously hearsay, and the question
5 is, is there conspiracy where both parties have actually
6 joined it. I'm assuming the government will prove that up.
7 I'm sure Mr. Thompson will do so, but I just want to make
8 sure I preserve it.

9 THE COURT: Sure. Mr. Thompson, do you want to
10 address?

11 MR. THOMPSON: I can certainly provide a little
12 context for what Mr. Garvis is talking about.

13 One of -- some of the text message excerpts are a
14 long -- or a WhatsApp messaging thread between Abdiaziz
15 Farah and Ahmednaji Maalim Aftin, who lives in Nairobi,
16 Kenya, or was living in Nairobi, Kenya, at the time that's a
17 relative of Mr. Garvis's client, a brother, I believe.

18 The discussion involves basically Abdiaziz Farah
19 and others were sending money to Ahmednaji Maalim Aftin in
20 Nairobi to purchase real estate. And over the course of
21 2021 they discussed the transfer of money to Kenya to
22 purchase the property, the construction of a 12-story
23 apartment building in Nairobi, other real estate purchases.

24 They discussed an entity called Capital View
25 Properties, which was owned by Mr. Garvis's client and his

1 brother, and Abdiaziz Farah purchased a portion of an
2 interest in that company, and it was created to construct
3 this 12-story apartment building in Nairobi and to purchase
4 other real estate.

5 So that -- Mr. Garvis's client is not a party to
6 the text thread, although some of the documents and the
7 entities that they discussed in the real estate contracts
8 include his client's name on it. And, obviously, as we get
9 to the financial portion of the case, we'll be closing the
10 circle, at least in the government's view, as to his
11 client's involvement. But that's the thread that he's
12 talking about, I believe.

13 MR. GARVIS: It is. And I wasn't very articulate,
14 Your Honor. I don't know that any of these text messages,
15 my client's name is actually on any of those documents in
16 and of themselves. I don't believe so. But I just -- I
17 want to make sure I preserve any argument for the record.

18 THE COURT: All right. Just one moment.

19 I think the appropriate way to go forward here is
20 in the event someone has an objection on hearsay grounds,
21 you should make it. The government should simply state
22 801(d)2(E), and I will make a ruling that is conditional.

23 And then at the end, the conclusion of the
24 government's case, I will determine under the *Bell* procedure
25 whether the government has proved up the *Bell* procedure, all

1 of the requirements, including that it was made by the
2 coconspirator during and in furtherance of the conspiracy.
3 That's my proposal. I think that is faithful to *Bell*.

4 Yes?

5 MR. GARVIS: Appreciate the clarity, Your Honor.

6 MR. ANDREW BIRRELL: Can we have a standing
7 objection to it? Then we won't have to make it every time
8 they put a text up.

9 THE COURT: Can you have a standing objection to
10 hearsay for all of the --

11 MR. THOMPSON: I --

12 THE COURT: That's where I'm getting hung up, is
13 if you have a standing objection, I don't know which of
14 the -- I don't know all of what's coming in. I don't know
15 whether it's all text messages or whether it's -- I'm not
16 sure.

17 Mr. Birrell?

18 MR. ANDREW BIRRELL: As I understand what has
19 occurred, you have ruled that under *Bell* there's a -- my
20 client and Mr. Nur are coconspirators. And we have
21 reserved -- the Court has -- we have reserved the right to
22 argue that the statement, text, whatever, is nonetheless
23 hearsay because it's not in furtherance of the conspiracy.

24 THE COURT: And that the only determination I have
25 made is on a preponderance basis between those two, because

1 that is the one text message I have reviewed.

2 MR. ANDREW BIRRELL: Right.

3 THE COURT: Okay.

4 MR. ANDREW BIRRELL: So I was asking, Can we have
5 a standing objection to these text messages.

6 THE COURT: To that string?

7 MR. ANDREW BIRRELL: Well, any text message that
8 my guy's on that they want to put up. I mean, it seems
9 silly to have to object every time there's a text message.

10 MR. THOMPSON: Your Honor, I understand the
11 court's concern and reluctance.

12 I actually think that it might work here and
13 here's why. I think the vast majority of the text messages,
14 the only potential objection would be *Bell*.

15 We really were careful. Obviously, Mr. Goetz and
16 Mr. Mohring raised an issue that the court already ruled on,
17 but the rest of the text messages we were careful to carve
18 out anything that would be objectionable. A couple
19 attorneys have brought stuff to us, and I think we've worked
20 out a resolution on things that they perceived to be 403
21 that we maybe didn't see that point, but we took it out.

22 So I don't think that there are going to be a rash
23 of other objections to these text messages coming into
24 evidence.

25 THE COURT: And it's just text messages?

1 MR. THOMPSON: Well, correct, Your Honor, the text
2 messages and some of them had -- because it's a WhatsApp
3 messaging feature, they would embed like a full PDF document
4 into the conversation. And in some of those situations,
5 we'll also introduce the full PDF as a separate exhibit to
6 show what was transmitted via the message.

7 THE COURT: Okay. So with respect to all text
8 messages and WhatsApp messages that are to come in through
9 the next witness -- which I understand is Agent Pitzen?

10 MR. THOMPSON: Correct.

11 THE COURT: -- all defendants have a standing
12 objection. As to *Bell*, I will conditionally admit the
13 exhibit and will address *Bell* at the end of the government's
14 case, as *Bell* requires.

15 If there is another objection, 403, et cetera,
16 make that objection at the time. There will be a standing
17 hearsay objection, again, to all text messages and WhatsApp
18 messages that are to come in or that are offered with
19 Special Agent Pitzen.

20 So let's address it in that way. And that --

21 MR. ANDREW BIRRELL: Thank you.

22 THE COURT: -- I think obviates the need for you
23 to stand up and object every time.

24 MR. ANDREW BIRRELL: Thank you, judge.

25 MR. THOMPSON: Thank you, Your Honor.

1 THE COURT: All right. Thanks, everybody. 1:30.

2 THE CLERK: All rise.

3 (Recess taken at 12:03 p.m. till 1:31 p.m.)

4

5

IN OPEN COURT

6

(JURY PRESENT)

7

THE COURT: You may all be seated.

8

And the government may call its next witness.

9

MR. THOMPSON: Thank you, Your Honor. The

10 government calls IRS Special Agent Brian Pitzen.

11

THE COURT: Raise your right hand.

12

BRIAN PITZEN,

13

called on behalf of the government, was duly sworn, was

14

examined and testified as follows:

15

THE WITNESS: I do.

16

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

17

And when you are settled, I will have you state

18

and spell both your first and last name for the record.

19

THE WITNESS: My name is Brian Pitzen. B-R-I-A-N.

20

Last name is P-I-T-Z-E-N.

21

THE COURT: Thank you.

22

Mr. Thompson, you may inquire.

23

MR. THOMPSON: Thank you, Your Honor.

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DIRECT EXAMINATION

BY MR. THOMPSON:

Q. Good afternoon, Agent Pitzen.

A. Good afternoon.

Q. Where do you work, sir?

A. I work for the Internal Revenue Service Criminal Investigation. I'm a special agent.

Q. And what is -- how long have you been a special agent?

A. I've been a special agent since 2003, so approximately almost 21 years.

Q. What is the IRS Criminal Investigation?

A. So IRS Criminal Investigation, we're a very small part within the IRS. Most people know the IRS. That's where they send their tax returns. Most people generally love to hate us. We are a small criminal division within that. So what we do is we work criminal investigations as opposed to kind of dealing with the mundane filing of tax returns and audits and stuff like that.

Q. And where are you stationed, Agent Pitzen?

A. Part of the Chicago field office, St. Paul post of duty.

Q. And when you say "St. Paul post of duty," what does that mean?

A. That's the office I office out of, is in St. Paul, Minnesota.

Q. Okay. Before we get to your work at the IRS, can you

1 tell us a little bit about your educational background?

2 A. Sure. I have a bachelor's degree from the Carlson
3 School of Management at the University of Minnesota in
4 finance.

5 Q. And did you join the IRS straight out of college?

6 A. Very quickly thereafter, yes. I was actually joining
7 the IRS through what was called a co-op program. So
8 actually my last -- it was basically an internship the last
9 year of college. I actually worked in a non-law enforcement
10 capacity; and then upon graduating college, I converted to
11 the law enforcement role in 2003.

12 Q. What did you do in the non-law enforcement capacity at
13 IRS?

14 A. I was -- I still worked for IRS Criminal Investigation,
15 but I didn't really get to do much of the fun stuff. It was
16 helping analyze bank records, making a lot of copies,
17 occasionally assisting other agents with doing interviews,
18 going on, you know, a couple search warrants after the fact,
19 after they'd already made entry, I would kind of get to tag
20 along.

21 Q. Did you receive training after you joined IRS full time?

22 A. I did, yes. All IRS special agents go to what's called
23 the Federal Law Enforcement Training Center, and that's
24 located in Glynco, Georgia. I first attended a nine-week
25 criminal investigative training program and then followed up

1 by the IRS specialty program, which is approximately a
2 four-month program called special agent basic training.

3 So, in total, I received approximately six months
4 of special agent training at the Federal Law Enforcement
5 Training Center.

6 Q. Since joining the IRS in 2003, what kind of cases have
7 you investigated and do you investigate?

8 A. Yeah, so IRS Criminal Investigation, our main function
9 and cases that we investigate are generally financial
10 investigations, whether that be tax investigations, money
11 laundering investigations, or essentially anything where
12 there's a financial nexus to it.

13 So I basically describe myself to people, when
14 they ask kind of what I do, I describe it as I'm kind of the
15 follow-the-money type of guy.

16 Q. What do you mean by that "follow-the-money type of guy"?

17 A. Sure. Most crimes that people commit, generally they
18 have some sort of motivation or incentive to commit. Being
19 that I investigate mostly financial crimes, generally the
20 incentive in the cases I investigate is a financial
21 incentive. And oftentimes you can follow the money from
22 where it started, and you can follow the money directly to
23 who receives it and oftentimes identify targets of an
24 investigation.

25 Q. Have you been involved in this investigation into the

1 Federal Child Nutrition Program?

2 A. I have, yes.

3 Q. Were you follow-the-money guy in this investigation?

4 A. I was not, no.

5 Q. What was your role and why not?

6 A. There was a prior IRS special agent who took a promotion
7 to an international division, so I was reassigned this
8 investigation in early 2023; and then with this particular
9 group or cluster, I really started helping out more recently
10 in the lead-up to trial, preparing for trial.

11 Q. Okay. And this is a multi-agency effort?

12 A. It is. This is multi-agency, multi-agents. We're
13 working jointly with Federal Bureau of Investigation,
14 United States Postal Inspection Service, and then ourselves,
15 IRS Criminal Investigation.

16 Q. And who were the money -- follow-the-money people in
17 this investigation?

18 A. So there was a team of FBI forensic accountants who
19 followed the money in this particular case.

20 Q. Since you weren't doing that, what were you doing?

21 A. So in regards to this particular group, kind of my main
22 focus was on conducting site visits and site interviews to
23 identify the food distribution sites, interview people,
24 property managers, of those food distribution sites,
25 residents.

1 And then also I went through some of the
2 electronic devices and text messages on those devices that
3 were seized prior to my time during search warrants.

4 Q. And that's really what brings you here today; is that
5 right?

6 A. That's correct, yes.

7 Q. Okay. So you mentioned some search warrants. What
8 search warrants are you referring to?

9 A. So there was a handful of search warrants that were done
10 in 2022, and those search warrants -- there was, I believe,
11 five search warrants. One was done at Abdiaziz Farah's
12 home; Said Farah's home; Mohamed Ismail's home; Empire
13 Cuisine & Market business; and then an entity known as
14 ThinkTechAct, also known as Mind Foundry. So there was
15 five -- five sites.

16 Q. And when were these search warrants conducted?

17 A. I believe that was January of 2022.

18 Q. Was there other search warrants related to the
19 investigation conducted that day?

20 A. There was, yeah, several other search warrants that day.

21 Q. Were you out on search warrants on January 20th?

22 A. Unfortunately, on January 20th I had a conflict that
23 day. I was not able to, although I did assist on follow-up
24 search warrants the next day.

25 Q. Okay. All right. So you talked about digital devices.

1 You had a role in reviewing digital devices; is that right?

2 A. That's correct.

3 Q. And, specifically, is one of the devices that you
4 reviewed a cell phone recovered during the search of
5 Abdiaziz Farah's residence?

6 A. That is correct, yes.

7 Q. Can you tell us about what you did?

8 A. Yes. So that device was seized from Mr. Farah's house.
9 It was then processed by an FBI computer investigative
10 specialist, Vicki Klemz, who -- I think she testified
11 yesterday. She's the one that actually processes the device
12 and then runs that -- that phone through what's called a
13 Cellebrite program, which is an essential -- a tool that
14 computer investigator specialists use in order to extract
15 data off the phone in a legible or readable format.

16 Q. And after Ms. Klemz extracted the information through
17 Cellebrite, what happened to that information?

18 A. So I was provided copies of the Cellebrite reports.

19 Q. And what did you do with that copy? Well, first off,
20 let me ask you, what is that Cellebrite report, the copy
21 that you're talking about? What does it --

22 A. Sure. So essentially what the Cellebrite report is, is
23 it's broken down into everything that's on the phone. So
24 that could be images, videos, call logs, text messages.
25 Pretty much everything on the phone is contained within that

1 Cellebrite report in a searchable, readable format.

2 Q. Okay. Did you obtain a copy of it at some point?

3 A. I did, yes.

4 Q. From who and why, or why did you obtain a copy of it?

5 A. Yeah, I obtained a copy of that to basically search
6 through the Cellebrite report to find evidence related --
7 that might be helpful in this investigation.

8 Q. And tell us a little bit about what's the nature of the
9 investigation. What was your understanding when you went
10 and sat down with this Cellebrite extraction?

11 A. Sure. So my understanding this investigation involves
12 determining the legitimacy of approximately 18 million
13 claims for meals and snacks that were submitted to the
14 Minnesota Department of Education as part of the Federal
15 Child Nutrition Program, totalling approximately -- or in
16 excess of \$50 million in claims.

17 Q. Okay. So what were you looking for when you sat down
18 with the phone?

19 A. I was looking for, I guess, either items that would
20 corroborate the allegation or not. So that is -- would be I
21 was looking for communications between potential
22 coconspirators. I was looking for, I guess, images. I was
23 looking for text strings or other messaging things,
24 potentially -- some people have bank records, website, web
25 cache-type stuff on their phone, websites where they

1 visited.

2 But the main focus that I was really looking at
3 was, it was an application called WhatsApp and looking at
4 messages in the WhatsApp application on the phone.

5 Q. What's WhatsApp?

6 A. WhatsApp is very similar to text messaging. It's a
7 secured end-to-end encryption app that can be installed on
8 your cell phone.

9 Q. You say it's "secured end-to-end encryption." What do
10 you mean by that?

11 A. Well, it's more secure than just sending a text message.
12 It's alleged that it can only be opened by either the sender
13 or the receiver of that. So if someone was to, I guess,
14 intercept it in the middle, only those two people are
15 supposed to be able to read that information.

16 Q. Okay. So did you find WhatsApp messages of relevance to
17 the investigation?

18 A. I did, yes.

19 Q. Before I get to those, I want to talk to you about
20 photos. You said that a Cellebrite extraction will have
21 photos, videos, and things of that nature that are on the
22 phone; is that correct?

23 A. Correct.

24 Q. Did Mr. Farah's phone, Abdiaziz Farah's phone have
25 photos and videos on them?

1 A. It did, yes.

2 Q. Did you review them?

3 A. I did. There was quite a substantial number of photos
4 and videos on the phone.

5 Q. And what -- what did you look -- what did you find when
6 you looked through the photos?

7 A. I found a variety of things that were photographs of
8 individuals on there. There was attachments to WhatsApp
9 messages. There was also photographs of food that was at
10 store, at, you know, like stores, and also some food that
11 appeared to be like at distribution sites.

12 Q. Did that surprise you to find photos of food?

13 A. It did not, no.

14 Q. Why not?

15 A. In my 20-plus years of investigating cases, I mean, you
16 would expect when someone is attempting to carry out a very
17 large scheme, there has to be some degree that they're
18 taking to try to make it appear or give the appearance of
19 legitimacy to it. So you're not just going to submit claims
20 for 18 million meals or snacks that were provided. You have
21 to at least give the appearance that something was done
22 here.

23 MR. MOHRING: Objection. 701, 702, Your Honor.
24 Move to strike.

25 THE COURT: Overruled. The answer will stand.

1 BY MR. THOMPSON:

2 Q. Agent Pitzen, you said -- how many photos were on this
3 phone altogether?

4 A. Well, there was several different file formats. So
5 there was like JPEGs, which are your traditional photo.
6 There was some PMGs, GIFS. So I believe there was 130,000
7 digital images on there. I think of the photos, the JPEG
8 file format was approximately 4500 or so.

9 Q. And the rest, GIFs being like attachments to emails and
10 stuff like that?

11 A. Correct, yeah.

12 Q. Okay. You said that there was some photos of food. I
13 want to show you what's been marked as Government
14 Exhibit H-60, I think it is. It's not yet in evidence.

15 Do you see it up there on the screen?

16 A. I do, yes.

17 Q. What is Government Exhibit H-60?

18 A. This is a picture that appears to be taken of some bags
19 of potatoes and onions that I believe at the Empire Cuisine
20 & Market, outside.

21 Q. And this exhibit contains a series of photographs; is
22 that correct?

23 A. That's correct, yes.

24 Q. And where did these photographs come from?

25 A. These came off Mr. Farah's phone, off the images, kind

1 of the images section that we talk about.

2 MR. THOMPSON: Your Honor, I'd move to admit
3 Government Exhibit H-60.

4 MR. SCHLEICHER: Objection to foundation.
5 Clarification on which Farah.

6 MR. THOMPSON. Sorry. Abdiaziz Farah's phone.

7 THE WITNESS: That is correct, yes.

8 THE COURT: H-60 is admitted and may be published.

9 MR. THOMPSON: Thank you, Your Honor.

10 BY MR. THOMPSON:

11 Q. All right. Agent Pitzen, I'm showing you the first page
12 of Government Exhibit H-60.

13 I think you mentioned before, but now that we have
14 it in front of us, could you tell us what's depicted in this
15 photograph?

16 A. Sure. It appears to me there's a building there, which
17 I believe to be Empire Cuisine & Market, and there's some
18 stacks of what I believe to be potatoes in the bags on the
19 bottom there. And then on top of that is -- kind of right
20 down in this region here is the potatoes, what I believe to
21 be, and then up here towards the top is the onions, and then
22 over here on the side is some tomatoes.

23 Q. Okay. And to be clear, this was a photograph that was
24 on Abdiaziz Farah's phone?

25 A. That is correct, yes.

1 Q. Now, I'm showing you the second page of Government
2 Exhibit H-60.

3 A. Yes. So this here is what appears to be -- if you can
4 zoom in, you can see this is kind of wrapped in plastic over
5 here. This is several bags of long-grain basmati rice, a
6 10-pound bag. So I think in this first one you can kind of
7 see, one, two, three, maybe four or five bags in there. And
8 then there's also some cardboard boxes down here of kind of
9 unknown --

10 Q. Product of Italy?

11 A. Product of Italy, I guess. I don't know exactly what's
12 in those.

13 Q. Okay. And do you recognize this location?

14 A. Yes. That's -- I recognize it to be inside the market,
15 Empire Cuisine & Market.

16 Q. Okay. Directing your attention to the third page of
17 Government H-60, is this another photograph you found on
18 Abdiaziz Farah's phone?

19 A. It is. Again, I recognize this as appearing from what
20 appears to be inside the market. Again, you'll see several
21 bags of onions. And then on the floor, there's boxes with
22 some kind of packaged-up bags of what appears to be both
23 green and potentially red peppers or at least tomato, maybe.
24 It looks like tomato and green peppers in there.

25 Q. Okay. Page 4 of Government Exhibit H-60, is this

1 another photograph of -- taken from his phone?

2 A. It is, yes. This was also taken from Abdiaziz's phone,
3 and it appears to me to be a box containing some oranges in
4 varying condition.

5 Q. And page 5 is also a picture of a box of oranges. One
6 of them seems bad, but the rest seem like good oranges?

7 A. That's the way it appears to me, yes.

8 Q. Okay. And I'm going to show you a page -- well, first
9 off, let me go back to that.

10 Just to be clear, you said there was a lot of
11 photos on his phone, right?

12 A. That's correct.

13 Q. These aren't all the photos of food on there?

14 A. No. Exhibit H-60 does not include all the photos of
15 food that we found, no.

16 Q. Give us a sense of what this does include.

17 A. Sure. This is kind of a representative sample of some
18 of the stuff I found on there, individual pictures of food,
19 some boxes containing kind of prepackaged bags of food,
20 other bags that are laying around, other boxes of food.

21 And there's some instances where there's like kind
22 of grocery-style paper bags that appear to be sealed up.
23 Uncertain exactly what's in them, because you can't see in
24 them, but, assumption, it's probably some sort of food item,
25 that that's the way it appears, given it's on sort of a prep

1 table, a stainless steel prep table.

2 Q. Let's look at one of those. I think that's page 6 of
3 Government Exhibit H-60.

4 Is that what you're talking about?

5 A. That's what I'm referring to, yes.

6 Q. Could you describe this photograph for the jury?

7 A. Sure. Yeah. So in this photograph you can see these
8 are the -- right here is kind of the grocery-style paper
9 bag. That's what I'm calling them. It appears as though
10 it's potentially, I don't know, a third full or so, I'd say.
11 And then at the top, it's kind of folded over and appears to
12 me to be kind of sealed off or closed off.

13 Q. Okay.

14 A. And on this table here, it looks -- you know, I couldn't
15 count exactly, but there's potentially approximately 60 bags
16 or so on the counter.

17 Q. Okay. And do you -- do you know what location this was
18 taken at?

19 A. I don't know for certain where this was taken, no.

20 Q. Do you have a sense of where it might have been taken?

21 A. I have a sense this was taken in the back of Empire
22 Cuisine & Market.

23 Q. But you're not certain?

24 A. I'm not a hundred percent certain, no.

25 Q. Page 7 of Government Exhibit H-60, is this another photo

1 that you found on Abdiaziz Farah's phone?

2 A. It is, yes.

3 Q. Could you describe this photograph for us?

4 A. Similarly, before I discussed some of the kind of
5 plastic-style grocery bags, here it appears to be, you know,
6 several bags that are kind of prepackaged, tied at the top.
7 It appears to me as though there's like -- in some of them
8 there's some maybe Goldfish crackers and some, looks like,
9 boxes of cereal in some of them or little containers of
10 cereal.

11 Q. I'll try to zoom in here. Kind of hard to tell.

12 A. Yeah, I think that one might say like Cheerios on it,
13 potentially. That's the way it appears to me.

14 Q. Maybe Honey Nut Cheerios there.

15 Okay. And I don't know -- how many bags are we
16 talking here? They're kind of stocked up.

17 A. Again, I didn't count them completely. Maybe 75 bags.

18 Q. Okay. All right. Page 8. Is this another photo that
19 was on Abdiaziz Farah's phone?

20 A. It is, yes.

21 Q. And what --

22 A. Similar-style bags. Look like it appears to be
23 similar-style items. You know, here potentially is maybe a
24 package of Goldfish.

25 Q. There you go.

1 A. That looks like that's Goldfish there.

2 Q. Okay. So similar to the other bags, I take it?

3 A. It appears to be very similar to me, yes. And there's,
4 you know, I don't know, maybe a dozen, 15 bags in that
5 particular photograph. Again, I believe this was taken
6 inside Empire Cuisine & Market.

7 Q. And that's based on the flooring and sort of --

8 A. Correct. And other photographs that I've seen taken
9 from inside there during the day of the search warrant.

10 Q. Okay. Page 10. Is this another photo of bags found on
11 Abdiaziz Farah's phone?

12 A. It is. This is -- it appears to be similar-style bags
13 to the other ones. I'm uncertain as to the location of
14 this. It just appears to be a dark room somewhere with some
15 maybe, again, a dozen or so similar-style bags. Again, here
16 it kind of looks to me like it might be one of those Cheerio
17 containers, hard to say for certain, but that's what I'm --

18 Q. And, Agent Pitzen, to be clear, do you know where this
19 picture was taken or even when it was taken?

20 A. I do not. It was just an image that we found on his
21 phone.

22 Q. Well, let's talk about where and when pictures are
23 taken. When you look at a Cellebrite report, does it
24 contain metadata?

25 A. It does.

1 Q. And for those who don't know, what's metadata?

2 A. Metadata is kind of like a stamp. Oftentimes it will
3 have the date and time. Other particular information could
4 be even like the zoom level of the lens that was used or
5 what type of lens, the focus length, stuff like that, on
6 images per se.

7 Q. And sometimes does it have geographic information?

8 A. Sometimes it will, yes.

9 Q. Okay. How about these photos? Were you able to
10 determine where and when they were taken?

11 A. I was not able to determine that, no.

12 Q. Did they have some metadata in terms of dates on them?

13 A. There was metadata on there.

14 Q. Generally, what was the time frame in these photo?

15 A. Generally, most of the photos appear to be from, say,
16 mid-2020 through late 2021.

17 Q. Okay. So that's the kind of -- the time frame of this
18 case?

19 A. Correct.

20 Q. Now, I'm showing you page 11 of Government Exhibit H-60.
21 Could you describe this image? Well, first off, was this
22 taken -- this was from Abdiaziz Farah's phone?

23 A. That is correct.

24 Q. Could you describe it for the jury?

25 A. Sure. Yeah. So here it appears as though there's

1 approximately 20 grocery-style bags that appear to contain
2 groceries. There's some tomatoes in there, lemons, looks
3 like a loaf of bread, and then some raw eggs. It appears to
4 be on -- sitting on the back of like some sort of a -- like
5 a box truck. It's like on the loading dock or loading gate
6 of a box-style truck.

7 Q. And do you know where this photo was taken?

8 A. I do not, no.

9 Q. Okay. Page 12. Is this another photo taken from
10 Abdiaziz Farah's phone?

11 A. It is, yes.

12 Q. Could you describe it?

13 A. This appears to be kind of a picture that someone's
14 taking, looking down into a box containing what appears to
15 be maybe a head of cabbage, some carrots, tomatoes. And
16 then I can't really tell. There's a can of something on the
17 bottom down there.

18 Q. Hard to say.

19 A. Yeah, I can't really read it. And then there's this
20 other bag here, which is -- it's not -- I can't see through
21 that bag.

22 Q. Okay. How about page 13? Is this another photo from
23 Abdiaziz Farah's phone?

24 A. It is. And it appears as though there's some what
25 appears to be pears. Some of them are rotting, it appears.

1 Q. Page 14?

2 A. Yes. This was also from Abdiaziz's phone, and there's
3 some boxes that appear to be stacked in a corner. I don't
4 know where this was taken, the location of this.

5 Q. And I'm going to zoom in on a couple of these boxes.
6 Could you tell what's inside of these boxes?

7 A. It looks to me, if I had to guess, that there's some
8 onions in here, right there. This, I'm a little bit
9 guessing, but it looks to me like it's a bag -- based on
10 some of the other pictures, I've seen like some uncooked
11 spaghetti noodles. And then this looks like a juice box to
12 me.

13 Q. I'll zoom in on this other box in the middle. Similar
14 contents of this box? That does look like pasta, right?

15 A. Sure. Yeah. Some tomatoes, potentially, in there.

16 Q. Little harder to tell there?

17 A. Correct. Maybe this -- yeah, hard to say. This could
18 be like either some -- maybe some dry beans, or maybe it
19 could be kind of a bulk bag of rice, maybe, and then some
20 individual packets of something.

21 Q. Okay. And, again, you don't know where this photo was
22 taken?

23 A. I do not, no.

24 Q. How about page 15? Is this another photo that you found
25 on Abdiaziz Farah's phone?

1 A. It is, yes.

2 Q. Could you describe it for the jury?

3 A. Sure. This is what appears to me similar to those bags,
4 the grocery paper-style bags that we saw before, which are
5 sealed at the top. Again, appears to me they are
6 approximately a third, quarter to a third full, stacked in
7 the back of what appears to me to be some sort of like a box
8 truck.

9 Q. And, again, you don't know where this was taken or --

10 A. I do not.

11 Q. But in this time frame?

12 A. Correct.

13 Q. All right. Page 16. Another photo from Abdiaziz
14 Farah's phone?

15 A. It is, yes.

16 Q. Could you describe what's depicted on page 16?

17 A. Sure. It appears as though this is a picture of someone
18 kind of taking a picture down into a paper-style bag. It
19 appears as though there was potatoes in there, some oranges,
20 apples, potentially a string cheese right there. And then
21 this may be Goldfish there. And it's similar-style cereal
22 containers there. I can't read what it says, but it fits
23 similar to what I saw in some of the other photos.

24 Q. And let's talk about that a bit, because obviously there
25 was lots of photos, and you didn't take -- you didn't grab

1 all of them, and we're not going to walk through --

2 A. Correct.

3 Q. -- hundreds of pictures here.

4 You described this as representative?

5 A. Sure.

6 Q. And the ones we've seen here, they look similar in terms
7 of contents of the bags; is that right?

8 A. That's correct.

9 Q. Is that what you saw when you looked at other photos on
10 Abdiaziz Farah's phone?

11 A. Right. Generally it's, you know, bags of, you know,
12 fruits, vegetables, you know, groceries, sometimes bread,
13 sometimes some eggs are in there. There was also some
14 pictures of some milk, but generally what I would describe
15 as groceries.

16 Q. And you said that when you look at a Cellebrite, there's
17 a place where there's all the images. Do you have a sense
18 of what -- were any of these sent in messages back and
19 forth?

20 A. Some of them were, yes.

21 Q. Can you describe that for the jury?

22 A. Yeah, some of these were sent as attachments through
23 WhatsApp. Some of them were sent to an individual by the
24 name of Kara Lomen and amongst other defendants in this
25 case.

1 Q. Who is Kara Lomen?

2 A. Kara Lomen is the executive director of Partners in
3 Quality Care.

4 Q. And so what kind of photos -- generally speaking,
5 because there's a lot of messages, but what kind of food
6 photos did Abdiaziz Farah send to Kara Lomen when you
7 reviewed the phone?

8 A. Similar-type photos to this, either, you know, food kind
9 of laid out to display, kind of like what was being given
10 out or pictures of milk, sometimes food. Pictures of like
11 what would be food distribution, potentially.

12 Q. Okay. All right. Now I'm showing you page 17 of
13 Government Exhibit H-60. Could you describe this photo that
14 was also found on Abdiaziz Farah's phone?

15 A. Sure. So, again, this appears to be looking in --
16 they're taking a picture into the back of a box truck.
17 There appears to be some paper grocery bags. I'm unclear
18 exactly what's in them, but based on kind of the pallet next
19 to there -- it's a little hard too say, but, you know, based
20 on the pallet next to there, there's some premium apples
21 there, so.

22 Q. And approximately how many paper bags are in this box
23 truck?

24 A. I would say, again, maybe 75 bags or so.

25 Q. Showing you page 18 of Government Exhibit H-60. Is this

1 another photo that you found on Abdiaziz Farah's phone?

2 A. It is, yes.

3 Q. Can you describe it for the jury?

4 A. Sure. This is a photo of what appears to me to be a
5 white box truck parked in a parking lot in an apartment
6 building with the tailgate down and -- hard to say exactly,
7 but maybe a dozen or so paper grocery style bags sitting on
8 the rear gate of it there.

9 Q. All right. That is a zoom-in there?

10 A. Yeah, so -- yeah, these are the -- kind of the bags I'm
11 referring to that are on the tailgate of it there.

12 Q. It looks like there's someone here pulled up -- maybe a
13 couple cars pulled up next to the box truck; is that right?

14 A. Correct.

15 Q. Could you describe what you see there?

16 A. Yeah. So it looks like, you know, there's two cars
17 there. I don't know exactly -- there's a -- what happens to
18 me to be a female standing at the door of one of the
19 vehicles, the black SUV, and then there appears to be a
20 minivan kind of parked in front of it alongside the box
21 truck.

22 Q. Okay. Now, Agent Pitzen, you didn't take this photo; is
23 that right?

24 A. I did not, no.

25 Q. You --

1 A. This was fou- -- this photo was found on Abdiaziz
2 Farah's phone.

3 Q. And I believe the metadata indicated it was in July of
4 2021; is that right?

5 A. That is correct.

6 Q. Sometimes that's accurate; sometimes it's not?

7 A. Correct.

8 Q. Okay. Do you recognize -- having not taken this
9 picture, or you weren't there that day, do you recognize
10 this location?

11 A. I do, yes.

12 Q. What is it?

13 A. I believe this is a photo taken in the parking lot of a
14 food distribution site that they had labeled or named Autumn
15 Holdings. And that's a location that was -- a distribution
16 site that was allegedly distributed food in Faribault,
17 Minnesota.

18 Q. Okay. And where is Faribault, Minnesota?

19 A. Faribault, Minnesota, is approximately, I don't know, 50
20 or 60 miles south of the Twin Cities.

21 Q. And what kind of a town is it? Are you familiar with
22 it?

23 A. Yeah, it's a fairly small town. I mean, the population,
24 I think, you know, during this 2021 time frame was around
25 24,000 people, I believe, plus or minus a little bit.

1 Q. Okay. Could you describe the Autumn Holdings, the site?
2 You said it was a distribution site, according to the
3 records; is that right?

4 A. Sure. So there was -- in this particular investigation
5 there was approximately 50 places that were set up as food
6 distribution sites. This was one of them, and the name that
7 was on the paperwork was Autumn Holdings.

8 I looked into the name Autumn Holdings a little
9 bit and like this particular place is actually in the Four
10 Seasons apartments. There's not like an apartment complex
11 called Autumn Holdings. Autumn Holdings is a corporation,
12 like the entity that actually owns the Four Seasons
13 apartment building. So it's like a -- it's a corporate
14 entity, essentially.

15 Q. Okay. And you've been down there, I take it?

16 A. I have been down there, yes.

17 Q. Okay. I want to show you -- well, were there other
18 sites down in Faribault?

19 A. There was, yeah. So like this here is on the far east
20 end of the Four Seasons apartment building. Four Seasons
21 essentially has four buildings in it, and they kind of share
22 the parking lot structure.

23 So in this particular instance, they had a food
24 distribution site that they claimed was Four Seasons, which
25 is on one end of the parking lot, one of the building

1 numbers there, and then at the far other end of the parking
2 lot they had another food distribution site that was labeled
3 as Autumn Holdings. So essentially the same place.

4 And then directly across the street from this is
5 another apartment building called Greenwood Place
6 Apartments. That was another site that they had set up as a
7 food distribution site.

8 And then kind of kitty-corner across the street
9 from that was another place called Lifestyle Apartments,
10 which, again, was set up as a food distribution site. All
11 during the same time.

12 So essentially in kind of this one-block area
13 there was four food distribution sites.

14 Q. That's a lot of sites. And you know the location of
15 these sites based on what data?

16 A. I've been down there. I've visited all these sites.

17 Q. I assume you've reviewed the CLiCS applications and
18 the --

19 A. I did, yes.

20 Q. I guess we're going to -- we've seen enough CLiCS
21 paperwork; so if you don't mind, we'll just skip past that.
22 Okay?

23 A. Certainly.

24 Q. Okay. I want to show you, though, some of the claims
25 data. And we've looked at N-036 is one of these summary

1 forms that we've seen a whole bunch of.

2 Can you describe Government Exhibit N-36, which is
3 already in evidence?

4 A. Sure. This is a summary chart of meals that were
5 claimed for -- this particular one relates to the food
6 distribution site Autumn Holdings.

7 Q. Mm-hmm. And I believe we were talking -- the time frame
8 we were talking of this photo was July 2021, according to
9 the metadata; is that right?

10 A. Correct.

11 Q. Could you describe the meals that were claimed that
12 month at this site?

13 A. Yeah. So in this particular -- during July of 2021,
14 they claimed to be distributing 10,500 breakfasts and 10,500
15 lunches, with an average daily attendance of 500 people in
16 July for 21 -- food served 21 days.

17 Q. Similar numbers for August that summer?

18 A. Correct.

19 Q. And have you looked at the similar claims data for these
20 other four sites you talked about?

21 A. I have, yes.

22 Q. And what kind of numbers were being claimed?

23 A. So if you look -- if you look at the numbers for the
24 other sites, specifically, like if you look at May of 2021
25 here, this particular column here, you'll see they claim as

1 part of the CACFP program that they're providing 15,500
2 after-school snacks, 15,500 suppers.

3 Each of those four sites -- Autumn Holdings, Four
4 Seasons, Greenwood Place, and Lifestyle -- all had identical
5 numbers. They all claimed 500 average daily attendance;
6 they all claimed a total of 15,500 snacks and suppers; and
7 they all claimed that food was served 31 days during the
8 month of May of 2021.

9 So, in total, kind of in that one-block chunk,
10 they were claiming that 2,000 meals were being provided
11 every day out of those four distribution sites, which were
12 very near by each other.

13 And then in addition, Faribault also had
14 additional sites, additional food distribution sites. So
15 these four were kind of on one part of town. Faribault is
16 not that big of a town, but there was -- so there was 2,000
17 meals there. Another part of town there was another food
18 distribution site that was referred to as the Somali
19 Community Resettlement Services.

20 MR. COTTER: Narrative. Objection.

21 THE COURT: Sustained.

22 BY MR. THOMPSON:

23 Q. Were there other sites in Faribault?

24 A. There was, yes.

25 Q. Could you tell us about those other sites?

1 A. During the same time frame of May 2021, there was two
2 additional sites, at least, in Faribault. One was the
3 Somali Community Resettlement Services and the other one was
4 Madina Market & Grocery, which were serving -- the Somali
5 Community Resettlement was claiming to serve 2,000 meals and
6 2,000 snacks a day, and the Madina Market was claiming to
7 serve 3,000 meals and snacks a day. So, in total, within
8 Faribault, they were claiming to serve 7,000 meals and
9 snacks each day during May of 2021.

10 Q. Meals to 7,000 kids?

11 A. That was the claims. Although through my investigation
12 and looking at school districts roster --

13 MR. COTTER: Objection. Narrative. Unresponsive.

14 THE COURT: Overruled as to -- overruled.

15 You may continue.

16 MR. IAN BIRRELL: Objection as to 701 and 702 as
17 well.

18 THE COURT: Overruled.

19 You may answer.

20 THE WITNESS: The school district data for
21 Faribault Public Schools listed approximately 4200 kids in
22 the school district, while at the same time the claims
23 coming -- that were being submitted during May 2021 were
24 7,000 per day.

25

1 BY MR. THOMPSON:

2 Q. I'm going to show you Government Exhibit D-27, which has
3 already been admitted into evidence.

4 It's an email from Abdimajid Nur to Kara Lomen,
5 copying Abdiaziz Farah. Do you see that?

6 A. I do, yes.

7 Q. We talked a little bit about Abdiaziz Farah; is that
8 right? That's whose phone we're looking through?

9 A. That's correct, yes.

10 Q. And Kara Lomen, you said, was the executive director of
11 Partners in Nutrition. Who's Abdi Nur?

12 A. He's one of the defendants in this case.

13 Q. And the subject line of this email is CACFP Attendance
14 and Invoice?

15 A. Correct.

16 Q. And was sent by Abdi Nur on May 31st of 2021; is that
17 right?

18 A. That is correct.

19 Q. And attached to the first page here, could you describe
20 just generally what we see?

21 A. Yeah, generally, you'll see like site names, Albright --
22 I know that is one of the alleged food distribution sites --
23 Clifton, again, Four Seasons, Lifestyle. I believe if you
24 look further down here, you'll see Greenwood attendance,
25 January to May; Autumn attendance, January to May. Some of

1 the sites we just talked about.

2 Q. Okay. And on page 3 of Government Exhibit D-27, there's
3 an invoice that's -- that Abdi Nur sends to Kara Lomen; is
4 that right?

5 A. Yes, correct.

6 Q. And this is from Mind Foundry Learning Foundation?

7 A. Correct.

8 Q. Are you familiar with that entity?

9 A. I am, yes.

10 Q. How so?

11 A. That is an entity that is kind of a doing business as
12 for ThinkTechAct Corporation, which is an entity owned by
13 Mahad Ibrahim -- or run by. It's a nonprofit organization,
14 so he doesn't really own it, I guess, but he's the
15 individual in charge of ThinkTechAct.

16 Q. And what was its role in connection with these various
17 sites?

18 A. That was set up as the nonprofit organization assigned
19 to these individual sites.

20 Q. Okay. And this invoice is to Kara Lomen at Partners in
21 Quality Care, payable to Mind Foundry Learning Foundation
22 for CACFP at-risk/after-school, April 2021?

23 A. Correct.

24 Q. And then direct your attention to the middle. And I
25 believe these are the four sites that you were talking about

1 in Faribault that are right near each other; is that right?

2 A. Correct, yeah. Four Seasons Apartments. Lifestyle is a
3 separate place nearby. Greenwood's directly across the
4 street. And then Autumn Holdings is actually -- it's really
5 part of Four Seasons. It's just there's four buildings
6 there. It's -- the address that comes back to Autumn
7 Holdings is one of those particular buildings.

8 Q. I know you're not a forensic accountant, but you work
9 for the IRS.

10 Do you have a ballpark of the amount of
11 reimbursements that were claimed by Mind Foundry for
12 distributing food at those four sites in Faribault in April
13 of 2021?

14 A. Yeah, approximately, what, 60,000, 62,000 claims for
15 meals, at a rate of \$4.05, for -- if you add it all up per
16 site, \$62,775. If you -- approximately \$240,000 for those
17 four sites.

18 Q. And there's other sites listed on this invoice as well;
19 is that right?

20 A. There is, yes.

21 Q. And the total amount claimed from -- for April of 2021
22 for these sites?

23 A. \$2,725,188.30.

24 Q. Thank you. All right.

25 Agent Pitzen, we just went through some of the

1 photos, sort of a sampling.

2 Did you also find videos on the Cellebrite
3 extraction of Abdiaziz Farah's phone?

4 A. I did, yes.

5 Q. Could you kind of describe generally what you, what you
6 were looking for and what you found in terms of videos on
7 his phone?

8 A. Yeah. I mean, generally, I was looking for anything,
9 videos. You know, you can take a video of a lot of things.
10 Looking for videos of food, food distribution, other
11 activity that maybe would prove that that stuff didn't
12 happen. In this particular case there were some photos
13 of -- similar to the pictures, although it's in video
14 format, so it's a little bit -- a little bit longer, but,
15 again, generally, it was video of some food, milk, stuff
16 like that.

17 Q. Were those videos significant to your investigation?

18 A. They were, yes.

19 Q. The investigation. How so?

20 A. Videos are, I guess, important just to kind of look at
21 and get an idea of what's going on at the time. You know, I
22 don't know exactly why videos were taken, I guess. I don't
23 generally take a video like when I'm working or doing what
24 I'm doing, but in this particular case they were there, and
25 so they were important to kind of see what they were all

1 about.

2 Q. And, generally, what did you see when you reviewed the
3 videos?

4 A. Again, we saw videos of food, some food distribution,
5 and then there was some videos of some milk as well.

6 Q. Did you see the magnitude of food distribution that was
7 being claimed?

8 A. I did not, no.

9 Q. Could you describe that?

10 A. So the videos that I saw in there, generally there
11 was -- there was not like lines of cars, lines of people.
12 You know, there was -- at some of the sites there was some
13 lines of people waiting to get food, but it wasn't -- if
14 we're talking like millions of meals allegedly being handed
15 out, and like in the case of Faribault, you know, 7,000
16 meals a day, or, you know, if you look at Autumn Holdings, I
17 believe there's a video there similar to that photograph
18 where they're claiming, you know, 500 meals a day given out
19 there, that's the type of stuff we were looking for.

20 Q. Thank you.

21 Agent Pitzen, before you came here, we pulled a
22 few videos, I think three videos, off Abdiaziz Farah's
23 phone; is that correct?

24 A. Correct.

25 Q. And those have been marked as Government Exhibit H-61a,

1 H-61b and H-61c; is that right?

2 A. That is correct.

3 Q. Were those all taken from the -- your review of Abdiaziz
4 Farah's phone?

5 A. They were from the Cellebrite report.

6 Q. And they are in the same condition they were when you
7 grabbed them?

8 A. They were, yes.

9 MR. THOMPSON: Your Honor, I move to admit
10 Government Exhibits H-61a, H-61b, and H-62b.

11 THE COURT: Any objection?

12 MR. IAN BIRRELL: No objection.

13 THE COURT: The videos are admitted and may be
14 published.

15 MR. THOMPSON: Thank you, Your Honor.

16 BY MR. THOMPSON:

17 Q. Agent Pitzen, I'm going to begin with H-61c. Okay?

18 A. Sure.

19 (Video recording played)

20 Q. Can you describe for us what we're seeing here?

21 A. This is, again, real similar to what we saw in the
22 photographs before, with those kind of plastic grocery bags.
23 There's also some of the bulk stuff we saw before, some of
24 the bulk packages of rice, potato, onions, vegetables.

25 Q. And where -- do you recognize this location, or do you

1 have a sense where this --

2 A. Yeah, based on other photos I've obtained from search
3 warrants, I believe this to be at Empire Cuisine & Market.

4 Q. Okay. Let me keep playing here.

5 (Video recording played)

6 Q. Again, more onions?

7 A. Correct, onions, potatoes. These appear to be similar
8 to that other photograph, where there appears to be peppers
9 in plastic bags. There appear to be some juice boxes back
10 there.

11 Q. At the end here, could you describe what's in this --
12 these cardboard boxes?

13 A. Yeah, it appears to be those similar plastic-style
14 grocery bags, handful of them in kind of like a box there.

15 Q. Okay. I'm going to show you what's been admitted as
16 Government Exhibit H-61b. And I'm going to start it and
17 pause it here before we play the video. Okay?

18 Could you set the scene for what we're looking at
19 here? You were not here. You did not take this video,
20 correct?

21 A. Correct.

22 Q. Where did it come from?

23 A. This came Abdiaziz Farah's phone, the Cellebrite report.

24 Q. Okay. And do you recognize this location?

25 A. I do. Again, this is what I believe to be taken at

1 Autumn Holdings down in Faribault.

2 Q. Okay. Why did you pull this photograph -- or this
3 video? I'm sorry.

4 A. Sure. So this video is, I guess, shows kind of the
5 level of the food distribution. There also appears to be
6 someone that appears to be counting the alleged meals as
7 they've been -- as they were distributed.

8 Q. You say someone appears to be counting. What do you
9 mean by that?

10 A. Yeah. So like I would -- I'm a fisherman, so I like
11 refer to it as a fish clicker, but it's like one of those
12 little hand clickers. Some people play sports; you know, if
13 you count pitches for baseball, count fish, stuff like that.
14 It appears -- the noise to me is very familiar when I hear
15 click, click, click. It's kind of got a unique ring to it,
16 if you will.

17 Q. And do we actually have a clicker in the case?

18 A. We do, yes.

19 Q. Do you know where it came from?

20 A. It came from our prep room, I guess, downstairs.

21 Q. Where we got it originally?

22 A. I do not.

23 Q. I'm going to --

24 MR. THOMPSON: Your Honor, if I may, I'm going to
25 give this to the agent. I've marked it as a demonstrative.

1 THE COURT: Okay.

2 MR. THOMPSON: It's Government Exhibit F-20.

3 THE COURT: As a demonstrative, yes.

4 MR. THOMPSON: Thank you, Your Honor.

5 THE WITNESS: Thank you.

6 BY MR. THOMPSON:

7 Q. Agent Pitzen, I handed you what's been marked as
8 Government Exhibit F-20.

9 A. Correct.

10 Q. What do you got there?

11 A. So this is what I was referring to as like a fish
12 clicker, a pitch counter, whatever you want. But as you
13 click it (indicating), it counts a number. So as I click it
14 there, it now says 2, click it again 3, 4, 5, 6, 7, and
15 we can go on. This thing goes up to I think 9,999 on this
16 particular model.

17 Q. Okay. Can you click -- can it be clicked quickly?

18 A. It can, yes.

19 Q. What does it sound like when you do that?

20 A. (Indicating).

21 Q. Okay. Thank you, Agent Pitzen.

22 All right. Now I want to play this video. This
23 is at Autumn Holdings?

24 A. Correct.

25 Q. In Faribault?

1 A. Yes.

2 Q. All right. I want to play it. There's audio on this
3 video; is that correct?

4 A. There is, yes.

5 Q. Was the audio significant to you when you listened?

6 A. It was, yes.

7 Q. How so?

8 A. The audio is what I believe to be, again, this clicker
9 going in the background, and it appears to be being clicked
10 in no -- I guess it's not being clicked like -- as a meal is
11 handed out, it doesn't get one click. To me, it appears as
12 though it's like this (indicating). They're just clicking
13 without regard to what -- any particular reason, I guess.

14 Q. All right. Let's listen.

15 (Video recording played)

16 Q. All right. Agent, could you describe what we just saw
17 and heard in that video?

18 A. Yeah. So, I mean, you can see in this video it appears
19 there's some people that are picking up some groceries, and
20 then it appears the person taking the video kind of in the
21 background is clicking as this is going on.

22 It appears to me that there was -- like I believe
23 this was about a 16-second click -- or video clip. I think
24 this clicker was clicked somewhere 35 to 40 times in that
25 16 seconds.

1 Q. Okay. All right. I got one more video I want to show
2 to you. Well, first off, agent -- because these aren't all
3 the videos, obviously, right?

4 A. Correct.

5 Q. How were these ones selected and why not others?

6 A. They're just a representation of kind of some of the
7 different stuff, a video with some food at one of the -- the
8 market, I guess, and then a food distribution video, and
9 then I believe there's one additional one that's kind of
10 like at one of the -- maybe another site location.

11 Q. And those other videos, you weren't sure where they were
12 or when they were taken?

13 A. Correct.

14 Q. I'm going to show you now H-61a. All right. I'm going
15 to stop it right at the beginning here. Could you describe
16 the video Government Exhibit H-61a?

17 A. Yeah. So this is a video -- appears to be in an
18 apartment, kind of the foyer area, I guess, or in between
19 the security doors. Here, I guess, we have -- there's some
20 more on the other side, but in the figure here there's 15 to
21 20 gallons of milk that are sitting on the ground, just
22 sitting there.

23 Q. Okay. Let's watch. And to be clear, you don't know
24 what apartment building this is?

25 A. I do not.

1 (Video recording played)

2 Q. Another dozen or so gallons of milk on the other side?

3 A. Correct.

4 Q. At the end of the video here there's a sheet of paper.
5 What does it -- can you describe it for us?

6 A. Yeah. There's a sheet of paper that looks like it's
7 ripped out of a notebook that has the words "free milk" on
8 it.

9 (Video recording played)

10 Q. And that's in the foyer area of this apartment complex?

11 A. Correct.

12 (Video recording played)

13 Q. Okay. Agent Pitzen, you mentioned -- we talked about
14 photos and videos. You mentioned that you also reviewed
15 messages when you revie- -- from Abdiaziz Farah's phone; is
16 that right?

17 A. That's correct.

18 Q. Can you tell us a little bit about that?

19 A. Yes. There was a series of WhatsApp messages on the
20 phone between various individuals.

21 Q. Okay. And you said a little bit about WhatsApp is a
22 certain type of texting application; is that right?

23 A. Correct, yes.

24 Q. Does it differ from normal text messaging?

25 A. It's a secure encrypted kind of, allegedly, end-to-end

1 encryption. I'm not an expert on it. I never really used
2 it, but that's my understanding of what it is.

3 Q. Okay. And when you looked at this WhatsApp message
4 threads, what were you looking for?

5 A. We were looking for I guess a variety of things. We
6 were looking for communications between individuals I guess
7 to, you know, determine were they discussing the logistics
8 or operations of a legitimate food distribution operation or
9 were they, you know, messaging back and forth about, you
10 know, various other things.

11 Q. And, generally, what did you find?

12 A. So generally what I found in these is that the majority,
13 probably, of the conversation between people was about
14 cutting -- cutting the profit, like cutting up the amount of
15 money that was being distributed -- received from Minnesota
16 Department of Education.

17 There was not as much information or what I would
18 think you would find as far as like messaging about trying
19 to get various people -- or various amounts of food to
20 different locations.

21 Q. What do you mean about that? You're talking about
22 logistics; is that right?

23 A. Correct.

24 Q. What kind of logistical conversations did you expect --
25 would you possibly have found, but didn't?

1 A. I mean, I would expect --

2 MR. SCHLEICHER: Objection, Your Honor.

3 Foundation.

4 THE COURT: Sustained.

5 BY MR. THOMPSON:

6 Q. Did you see a lot of messages about the logistics of
7 running a child nutrition program that involved dozens and
8 dozens of locations and the distribution of thousands of
9 meals -- or meals to thousands of children on a daily and
10 weekly basis?

11 A. I did not.

12 Q. Did you see -- did you find messages about staffing,
13 say, logistics?

14 MR. COTTER: Objection. Foundation. Last
15 question --

16 THE COURT: Overruled.

17 You may answer that question.

18 THE WITNESS: Very little.

19 BY MR. THOMPSON:

20 Q. Okay. Did you -- did you find messages coordinating?

21 A. I found messages coordinating distributing the money,
22 not so much about messaging about coordinating food
23 distribution.

24 Q. Did you see messages and text conversations about the
25 actual children that were purportedly receiving meals?

1 A. The messages, I guess, relating to children wasn't so
2 much about the children. It was more about the names of
3 children, names, dates of birth of children, and rosters to
4 be utilized in this particular scheme.

5 Q. Utilized how?

6 A. Utilized as supporting documentation for claims that
7 were then later submitted to Minnesota Department of
8 Education.

9 Q. Did you find discussion of money in these WhatsApp
10 conversations?

11 A. I did, yes.

12 Q. Could you generally describe what types of money
13 conversations you found?

14 A. There was discussions about the money that was being
15 received from both Partners in Quality Care, Feeding Our
16 Future, and then the disposition of those funds, what
17 particular person or entity was to receive how much of the
18 cut.

19 And then also there was communications between
20 various individuals about sending the money to various --
21 purchase various assets and then send money, also
22 significant amounts of money, overseas.

23 Q. What do you mean "the cut"?

24 A. Like cut, I would mean like percentage of the amount of
25 money -- or the percentage of the amount of money that came

1 in from MDE.

2 Q. Okay. Before we get to conversations between Abdiaziz
3 and other people sitting in this courtroom, I'd like to talk
4 about Kara Lomen.

5 First off, did you find a WhatsApp thread
6 containing messages between Abdiaziz Farah and Kara Lomen?

7 A. I did, yes.

8 Q. I think you said it before, but who is Kara Lomen?

9 A. She's the executive director for Partners in Quality
10 Care, who was one of the sponsors for a large number of the
11 food distribution sites.

12 Q. Including in this case?

13 A. Correct.

14 Q. I'm going to show you what's been marked, but not
15 admitted, as Government Exhibit P-11.

16 Do you recognize Government Exhibit P-11?

17 A. I do. That's a photograph of Kara Lomen.

18 Q. And now I'm going to show you what's been marked, but
19 not admitted, as Government Exhibit P-1.

20 Do you recognize that?

21 A. I do. That's a Minnesota driver's license photograph of
22 Abdiaziz Farah.

23 MR. THOMPSON: Your Honor, I'd move to admit
24 Government Exhibits P-1 and P-11.

25 THE COURT: Any objection?

1 MR. IAN BIRRELL: No objection.

2 THE COURT: P-1 and P-11 are admitted.

3 BY MR. THOMPSON:

4 Q. Okay. Agent Pitzen, just to be clear, Government
5 Exhibit P-1 is on the screen here before you. Do you see
6 that?

7 A. I do, yes.

8 Q. And who is that?

9 A. That's Abdiaziz Farah.

10 Q. Okay. And Government Exhibit P-11?

11 A. That's Kara Lomen, executive director at Partners in
12 Quality Care.

13 Q. Okay. Agent Pitzen, this WhatsApp message thread
14 between Kara Lomen and Abdiaziz Farah, you reviewed it
15 before you came here today?

16 A. I have, yes.

17 Q. And this was extracted from that Cellebrite?

18 A. Correct.

19 Q. Did you select -- or how long is the full thing?

20 A. That one is pretty long. I think that was like
21 1500 pages. It was quite a lengthy report.

22 Q. And did you pull some selected excerpts that are
23 relevant to this trial?

24 A. I did, yes.

25 Q. Okay. And they're marked as Government Exhibits H-53a

1 through H-53s; is that right?

2 A. Correct.

3 Q. And I'll put one on the screen. H-53a is on the screen
4 here; is that right?

5 A. Correct.

6 Q. And this is -- the information came from the Cellebrite
7 report; is that correct?

8 A. Correct. This is not the actual Cellebrite report here.
9 This is -- the information was -- the Cellebrite report is
10 not the most user-friendly, legible piece of documentation
11 you have ever seen.

12 So what this is, is this is an exact copy of the
13 information that was on the Cellebrite report, so the words
14 related to that message, as well as the dates and time, put
15 on to a separate slide for brevity and to make it more
16 readable, legible.

17 Q. So the information both of the words and the dates and
18 times came verbatim directly from the Cellebrite extraction?

19 A. Correct.

20 Q. And then in the upper left and upper right, there's an
21 identification of the speaker who sent the message?

22 A. Correct.

23 Q. That information also came from the Cellebrite report;
24 is that correct?

25 A. That is correct.

1 Q. And this is -- it's cleaned up a little bit. Is that to
2 make it easier for the jury to understand?

3 A. Correct.

4 MR. THOMPSON: Your Honor, I move to admit
5 Government Exhibits H-53a through H-53s.

6 MR. IAN BIRRELL: No objection, Your Honor.

7 THE COURT: H-53a through s is admitted.

8 MR. THOMPSON: Thank you, Your Honor.

9 BY MR. THOMPSON:

10 Q. And, Agent Pitzen, I'm going to start with H-53b.

11 Whoops. Sorry. One second here.

12 Sorry, Your Honor. I'm trying to find the one I'm
13 looking for here. We'll skip that for now, and we'll come
14 back to it.

15 All right. Agent, I'm going to start with -- I'll
16 have to find it later. All right. Let's start with the --
17 well, we'll come back to Kara Lomen when we find it.

18 Did you also find a text message thread between
19 Abdiaziz Farah and Mahad Ibrahim?

20 A. I did, yes.

21 Q. And who is Mahad Ibrahim again?

22 A. Mahad Ibrahim is the -- runs ThinkTechAct, also known as
23 Mind Foundry.

24 Q. And I'm going to show you what's been marked, but not
25 admitted, as P-3.

1 Do you recognize Government Exhibit P-3?

2 A. I do, yes. That is a driver's license photograph of
3 Mahad Ibrahim.

4 MR. THOMPSON: Your Honor, I'd move to admit
5 Government Exhibit P-3.

6 THE COURT: Any objection?

7 P-3 is admitted and may be published.

8 MR. THOMPSON: Thank you, Your Honor.

9 BY MR. THOMPSON:

10 Q. I'm showing you Government Exhibit P-3 on the screen.
11 Agent Pitzen, that's Mahad Ibrahim?

12 A. Correct.

13 Q. And he ran ThinkTechAct; is that right?

14 A. That's correct.

15 Q. And just to be clear, Government Exhibit B-1 is the
16 Secretary of State filing for ThinkTechAct Foundation; is
17 that right?

18 A. That is correct, yes.

19 Q. And it lists Mahad Ibrahim as the incorporator of the
20 company?

21 A. Correct.

22 Q. And page 15 -- well, 14 and 15 -- amend the articles of
23 incorporation; is that correct?

24 A. Correct.

25 Q. For ThinkTechAct? On January 16th of 2021?

1 A. That's what this document says, yes.

2 Q. Okay. And I'm going to scroll down. On page 16 there's
3 the new board of directors for ThinkTechAct as of
4 January 16th of 2021. Do you see who's listed there?

5 A. I do. Abdiaziz Farah is listed as number one.

6 Q. Thank you. And ThinkTechAct also went by another name;
7 is that right?

8 A. Yes. It was also more commonly, maybe, known as Mind
9 Foundry.

10 Q. Okay. What was ThinkTechAct and Mind Foundry's
11 relationship to Empire Cuisine & Market?

12 A. So they were utilized as the nonprofit entity that was
13 hosting the food distribution sites or that was associated
14 with the food distribution sites in this case.

15 Q. All right. Agent Pitzen, you said you found a WhatsApp
16 thread between Abdiaziz Farah and Mahad Ibrahim; is that
17 correct?

18 A. Correct.

19 Q. And you pulled selected excerpts of that rather lengthy
20 conversation; is that right?

21 A. That is correct.

22 Q. And have those been marked as Government's Exhibits
23 54A -- I'm sorry -- H-54a through H-54s?

24 A. That is correct.

25 MR. THOMPSON: Your Honor, I'd move to admit

1 Government's Exhibits H-54a through H-54s.

2 THE COURT: H-54a through s are conditionally
3 admitted.

4 MR. THOMPSON: Thank you, Your Honor.

5 BY MR. THOMPSON:

6 Q. All right. Agent Pitzen, let's -- I'm going to start
7 with H-54d. Okay?

8 All right. Do you see that up on the screen?

9 A. Yes, I do.

10 Q. All right. So let's orient the jury as we start walking
11 through these text messages. Okay?

12 A. Sure.

13 Q. What do we see here?

14 A. So you'll see on the very top here on the left in blue,
15 it lists a phone number and then it lists Mahad Ibrahim as
16 the name. So essentially -- yeah, so right there
17 (indicating) is Mahad Ibrahim. So anything that is on this
18 in blue would be stuff from him.

19 And then on the right side, you see Abdiaziz
20 Farah. You'll see the stuff in green would be stuff coming
21 from him.

22 Q. Okay. And these are the text bubbles then going below?

23 A. Correct.

24 Q. All right. This text thread, this excerpt starts on
25 March 13th of 2021; is that right?

1 A. Correct.

2 Q. All right. We have a left side/right side; is that
3 right?

4 A. That is correct.

5 Q. Could you read the first four messages from Mahad
6 Ibrahim?

7 A. Sure.

8 "Bro, what do you think Feb payout will be when we
9 get the money? House went up to 975K. What do you think
10 Feb payout will be when we get the money? And I have to
11 make 280 plus 125K payment by May 15th."

12 Q. Do you want me to read for Abdiaziz Farah?

13 A. Sure.

14 Q. "If she pays now, you will get at least 180-197 of that
15 money. And I will get the same. Or even more depending on
16 how the final debt is with Empire. Hope that's enough, bro.
17 I can float some money to you if you want."

18 Does Mahad Ibrahim continue?

19 A. He does.

20 Q. Go ahead.

21 A. "Yeah, it should be fine. I just wanted to get a
22 sense."

23 Q. Turning to page 2.

24 A. Mr. Farah then responds.

25 Q. All right. "That's just Feb. So you got March, April,

1 and May."

2 Is that right?

3 A. Correct.

4 Q. Okay. H-54e is another -- a continued discussion of
5 money; is that correct?

6 A. That is correct.

7 Q. And this is on March 20th of 2021?

8 A. Correct.

9 Q. All right. Abdiaziz begins this portion; is that right?

10 A. Correct.

11 Q. "Anyways, any chance your checks cleared? Take your cut
12 whatever it is, and I can deposit before it closes today. I
13 have money in U.S. Bank, but it's not open until Monday. I
14 am pissed, bro, but it's all good."

15 A. "Yes, it looks like 450K in the account."

16 Q. That's Mahad Ibrahim?

17 A. Correct.

18 Q. And Abdiaziz asks, "How much do you need?"

19 A. Correct.

20 And Mahad Ibrahim responds, "I was hoping to clear
21 25K remaining from Jan. That's all I need right now."

22 Q. And Abdiaziz continues, "Take like 50K still. DAR money
23 remaining is ours."

24 A. Then Mahad responds, "Let me just do 25K, and we do Feb
25 later. Once all the money is in."

1 And then Abdiaziz Farah responds.

2 Q. "You can write once check to Empire"?

3 Is that right?

4 A. Correct. And then Ma- --

5 Q. Go ahead. This is continuing on March 20th of 2021,
6 correct?

7 A. Correct.

8 Mahad responds, "Okay, I'll do that now, but you
9 need to send someone to me. I have contractors at the
10 house."

11 Q. Abdiaziz responds, "Address I will come."

12 A. Mahad responds, "6452 Killdeer."

13 Q. Is that Mahad Ibrahim's home?

14 A. Correct.

15 Q. And then Abdiaziz responds, "Two checks, bro. 78,650
16 Empire. Rest Empire Cuisine."

17 Is that right?

18 A. Correct.

19 Q. How does Mahad Ibrahim's --

20 A. Mahad responds, "Okay."

21 And then there's -- he messages a picture, which
22 was not -- it's an empty file in the Cellebrite report, so
23 it's not accessible.

24 Q. What does that mean, "an empty file"?

25 A. For whatever reason, when the Cellebrite report pulled

1 the information down, it could be the file may have been
2 corrupt. I don't know the exact reason, but there was
3 not -- as you go to try to find or pull that picture, it's
4 not available. It's an empty file.

5 Q. It no longer exists?

6 A. Correct.

7 "Write my check for services to MIB Holdings LLC."

8 Q. And MIB Holdings, are you familiar with that entity?

9 A. I am. That's an entity that's also controlled by Mahad
10 Ibrahim.

11 Q. Okay. And I'm going to show you here -- okay.

12 Abdiaziz Farah responds, "Ready inshallah. 25K or
13 more."

14 A. Mahad responds, "Just do 25 for now."

15 Q. And Abdiaziz responds, "K"?

16 A. Correct.

17 And then Mahad responds, "We will remainder when
18 we have the money."

19 Q. And Abdiaziz finishes this excerpt and says, "Okay,
20 bro"?

21 A. Correct.

22 Q. Did you find more discussions, more conversations
23 between Abdiaziz Farah and Mahad Ibrahim --

24 A. I did, yes.

25 Q. -- about money?

1 A. Yeah, I did. Yes.

2 Q. I'm showing you now Government Exhibit H-54f, which is
3 another discussion between Mahad Ibrahim and Abdiaziz Farah;
4 is that right?

5 A. That's correct.

6 Q. Okay. And it begins on April 1st of 2021?

7 A. Correct.

8 Q. How does Mahad Ibrahim begin?

9 A. He starts by sending a PDF called transferform.pdf,
10 which is the document you then see below, which is a
11 Minnesota Department of Education Site Transfer Request
12 Form.

13 Q. Okay. And it's signed by Mahad Ibrahim; is that right?

14 A. His name appears there as the, I guess, the authorized
15 representative.

16 Q. Okay.

17 A. And then it appears below to be the signature there.

18 Q. Okay. The name of the center or site's left blank; is
19 that correct?

20 A. Correct.

21 Q. Then there's information below about the current sponsor
22 the site is transferring from; is that right?

23 A. Correct.

24 Q. And what information appears there?

25 A. So here the current sponsor name is listed as Partners

1 in Quality Care, with a representative of Kara Lomen.

2 Q. And what's the date on this site transfer form?

3 A. 4/1/2021.

4 Q. Abdiaziz Farah responds to this; is that right?

5 A. He does.

6 Q. And he responds with the lists of entities and money; is
7 that right?

8 A. Correct.

9 Q. Empire Cuisine, \$587,890, correct?

10 A. Correct.

11 Q. Empire Cuisine, \$78,950; is that right?

12 A. Correct.

13 Q. And Empire Enterprise LLC, \$486,249; is that right?

14 A. Correct.

15 Q. And then, finally, Abdiwahab Aftin, \$36,537; is that
16 right?

17 A. Correct.

18 Q. Before I go on here, I want to talk about these
19 entities. We've talked about Empire Cuisine & Market; is
20 that right?

21 A. We have, yes.

22 Q. And that's Mr. Farah and Mr. Ismail's company, correct?

23 A. Correct.

24 Q. How about Empire Enterprise LLC? Are you familiar with
25 that company?

1 A. I am. That was another enterprise that was controlled
2 by Abdiaziz Farah.

3 Q. All right. And I'm going to direct your attention
4 briefly away from this exhibit and show you what's been
5 admitted as Government Exhibit A-3.

6 This text is on April 2nd, 2021, correct?

7 A. Correct.

8 Q. And directing your attention, Government Exhibit A-3 is
9 the Secretary of State filing originally registering Empire
10 Enterprises with the Minnesota Secretary of State; is that
11 right?

12 A. That is correct.

13 Q. And who organized and registered this entity with the
14 Minnesota Secretary of State?

15 A. So the organizer is listed as Abdiaziz Farah.

16 Q. Okay. And the address that he listed there, do you --
17 there's two addresses; is that right?

18 A. Sure. The top address there, 15418 Hampshire, is
19 Abdiaziz Farah's residence. And the other address below is
20 the residence of Said Farah.

21 Q. That's his brother?

22 A. Correct.

23 Q. And directing your attention to page 2, when did
24 Abdiaziz Farah initially incorporate Empire Enterprises LLC?

25 A. The certificate was issued on April 5th, 2021.

1 Q. April 5th, 2021. Okay.

2 Now, directing your attention back to Government
3 Exhibit H-54f. When does that compare to when he texted
4 Mahad Ibrahim about \$486,249 going to Empire Enterprise LLC?

5 A. That certificate was issued three days afterwards.

6 Q. The company hadn't been incorporated at that point?

7 A. Correct.

8 Q. Abdiwahab Aftin. Are you familiar with that name?

9 A. I am, yes.

10 Q. Who is Abdiwahab Aftin?

11 A. He's one of the defendants in this case.

12 Q. I'm going to show you what's been marked, but not
13 admitted, as Government Exhibit P-006.

14 Do you recognize Government Exhibit P-6?

15 A. I do.

16 Q. What's that?

17 A. It's a photograph of Mr. Aftin.

18 MR. THOMPSON: Your Honor, I'd move to admit
19 Government Exhibit P-6.

20 MR. GARVIS: No objection, Your Honor.

21 THE COURT: P-6 is admitted.

22 BY MR. THOMPSON:

23 Q. Is that showing on the screen there, agent?

24 A. It is, yes.

25 Q. That's the photo of one of the defendants in this case,

1 Abdiwahab Aftin?

2 A. Correct.

3 Q. Okay. Back to Government Exhibit H-54f, this text
4 chain, series of text messages between Abdiaziz Farah and
5 Mahad Ibrahim on April 2nd, 2021.

6 A. Sure.

7 Q. After the list of amounts that Abdiaziz sends to Mahad
8 Ibrahim, how does Mahad Ibrahim respond?

9 A. He responds by saying, "We need to account for 89,990
10 that goes to Afrique."

11 Q. And do you know what Afrique is?

12 A. Yes. That was another entity that was used in this
13 investigation.

14 Q. Okay. And do you know who was related to that entity,
15 or --

16 A. I believe that was Mahad Ibrahim and Mukhtar Shariff.

17 Q. Okay. Mukhtar Shariff being another of the defendants
18 in this case?

19 A. That is correct.

20 Q. I'm going to show you now what's been marked, but not
21 admitted, as Government Exhibit P-7. Do you --

22 A. That's a -- I do recognize that. That's a photograph of
23 Mukhtar Shariff.

24 MR. THOMPSON: Your Honor, I'd move to admit
25 Government Exhibit P-7.

1 MR. MOHRING: No objection, Your Honor.

2 THE COURT: P-7 is admitted.

3 MR. THOMPSON: Thank you, Your Honor.

4 BY MR. THOMPSON:

5 Q. And that's the photo of him, Mukhtar Shariff?

6 A. It is. Correct.

7 Q. All right. Back to H-54f, this conversation, text
8 conversation between Abdiaziz Farah and Mahad Ibrahim.

9 We left off, 587,890 to Empire Cuisine; \$78,950 to
10 Empire Cuisine; \$486,249 to Empire Enterprises; and 36,537
11 to Abdiwahab Aftin; is that right?

12 A. Correct.

13 Q. And then they said -- Mahad says, "We need to account
14 for 89,990 that goes to Afrique."

15 Is that right?

16 A. Correct.

17 Q. How does Abdiaziz respond to that?

18 A. "If you tell where it fits on the math, let me know and
19 I can deduct. My mind is not right sometimes."

20 Q. Okay. I'm directing your attention to page 2 of
21 Government Exhibit H-54f. Does this conversation continue
22 on April 2nd, 2021?

23 A. It does.

24 Q. Would you read the portion for Mahad Ibrahim?

25 A. Sure. Mahad responds by saying, "1501 Broadway for Feb.

1 All those meals were done by Afrique. 23,800*3.78."

2 Q. That little asterisk for those of us who took math a
3 long time ago?

4 A. Sure. That's correct.

5 Q. What does that mean?

6 A. Multiply by.

7 Q. And Abdiaziz -- well, first off, do you recognize
8 1501 Broadway?

9 A. I do. That was one of the alleged food distribution
10 sites in this investigation.

11 Q. Okay. And Abdiaziz responds, "Makes sense, bro.
12 Thanks."

13 A. Correct.

14 Q. And then he continues, Abdiaziz Farah does, "I will take
15 it off Empire Enterprise amount."

16 Is that right?

17 A. Correct.

18 Q. And then there's another empty file?

19 A. Correct.

20 Q. And then Abdiaziz Farah says, "Also for board members at
21 TTA. Ed Fellows at GSA. Adeline Welch at PIN or a
22 nutritionist. Gospel Kordah, African-American/Nigerian
23 friend, director of equity at New Prague Public Schools.
24 Really, really cool. Mahad Ibrahim: You can resign after
25 approved. Another white lady and I can find one for you.

1 Accounting: TAG. HR: KA. Legal: Keilen."

2 Is that right?

3 A. That's right.

4 Q. And TTA, do you have an understanding of what that
5 refers to?

6 A. ThinkTechAct.

7 Q. And then Abdiaziz follows up, "Something like that, but
8 we can talk offline."

9 Is that right?

10 A. Correct.

11 And then Mahad continues on, "Legal, we need a big
12 firm also to work with Keilen, but the others are fine."

13 Q. "Let's keep Keilen for now," is what Abdiaziz Farah
14 says?

15 A. Correct.

16 Q. And what does Mahad Ibrahim say?

17 A. "Keilen can be GC, but we need another firm to support
18 him."

19 Q. And Abdiaziz Farah says, "And work towards a big firm.
20 Bianca cannot be ED in my eyes, but we can figure it out.
21 Maybe like a Hadith role. Just my opinion."

22 A. Correct.

23 Q. Do you have a sense of who they're referring to when
24 they say Bianca?

25 A. Yeah. Bianca Scott.

1 Q. And who is Bianca Scott?

2 A. She was involved in running one of the locations.

3 Q. Okay. Involved with ThinkTechAct?

4 A. Correct.

5 Q. Okay. How about Hadith? Are you familiar with the
6 Hadith investigation?

7 A. I'm aware of an individual by the name of Hadith Ahmed,
8 who was an employee at Feeding Our Future.

9 Q. He testified earlier in this case; is that right?

10 A. That's my understanding, yes.

11 Q. How does Mahad Ibrahim respond after Abdiaziz Farah
12 says, "Maybe like a Hadith role. Just my opinion"?

13 A. "I agree, but she's there now. Let me mom support her,
14 *my."

15 Legal, we need a --

16 Q. That's the same page.

17 A. Sorry.

18 Q. No worries.

19 I'm going to direct your attention now to page 4,
20 if it will let me.

21 Okay. Page 4 of Government Exhibit H-54f.

22 Abdiaziz Farah continues, "I know, but we need you there."

23 Is that right?

24 A. Correct.

25 Q. And what does Mahad Ibrahim say after that?

1 A. "Okay. I'm working on getting you into Afrique. I have
2 prelim clearance."

3 Q. Abdiaziz Farah says, "Bro, how much we talking? Y'all
4 dropped the ball by having all those clowns on board."

5 A. Correct.

6 Q. What does Mahad Ibrahim say?

7 A. "I'll try for as much as I can. We have agreed to
8 dilute others. It doesn't hurt to have a spot at both
9 places. It's a hedge in an oligarchy."

10 Q. And then Abdiaziz Farah responds, "Agreed, bro. Let's
11 do it. Use DAR profits to fund it. Capitalism at its
12 finest."

13 Are you familiar with what DAR is?

14 A. I assume it's referring to Dar Al-Farooq.

15 Q. And then Abdiaziz Farah continues on April 5th, 2021, at
16 the top of page 5; is that right?

17 A. Correct.

18 Q. And he says, "Bro, Somalis don't need favors. They need
19 war. Did Hadith call you?"

20 A. Correct.

21 Q. How did Mahad Ibrahim respond?

22 A. "In the morning, yes, but not since."

23 Q. Abdiaziz Farah says, "I guess everything is now
24 confirmed"?

25 A. Correct.

1 Q. What does Mahad Ibrahim say?

2 A. "Meaning transfers complete or just submitted."

3 Q. Is that referring to the transfers at page 1 of H-54f?

4 A. I assume so, yes.

5 Q. Agent Pitzen, we've seen references to money going to
6 MIB Holdings; is that right?

7 A. We did, yes.

8 Q. And what's MIB Holdings again?

9 A. It's an entity controlled by Mahad Ibrahim.

10 Q. Did you see other text messages about the -- directing
11 money to MIB Holdings?

12 A. Yes, I did.

13 Q. And is one of those Government Exhibit H-54g?

14 A. It is.

15 Q. Okay. I'm showing you that on the screen now. Okay?

16 A. Okay.

17 Q. This is a text chain that begins on April 8th of 2021;
18 is that right?

19 A. Correct.

20 Q. And Abdiaziz Farah begins the conversation with Mahad
21 Ibrahim?

22 A. Correct.

23 Q. He says, "Can you text me your MIB account info, and I
24 will deposit the check for you, bro. I can't do this hold
25 up anymore to you."

1 Correct?

2 A. Correct.

3 Q. How does Mahad Ibrahim respond?

4 A. "I need to find it. It's at Spire."

5 Q. Abdiaziz Farah says, "LOL. How did that happen?"

6 A. Correct.

7 Q. What did --

8 A. Mahad responds, "Free checking."

9 Q. And Abdiaziz Farah says, "Credit union. Sucks, bro.
10 They could go to Somalia anytime"?

11 A. Correct.

12 Q. And it looks like Mahad sends some sort of account
13 number; is that right?

14 A. That's what it appears, yes.

15 Q. And Abdiaziz says, "Please verify one more time,
16 please"?

17 A. Correct.

18 Q. How does Mahad Ibrahim respond to that?

19 A. He responds back with the same account number, "Spire
20 CU."

21 Q. Are you familiar with Spire?

22 A. I am. It's a credit union in the area.

23 Q. Okay. This conversation continues at page 2 on
24 April 8th, 2021; is that right?

25 A. Correct.

1 Q. Mahad Ibrahim provides some more account information?

2 A. He does.

3 Q. What does he say?

4 A. "Company: MIB Holdings LLC. Big question. Did she
5 pay?"

6 Q. And Abdiaziz Farah responds, "LOL. How? Not yet."

7 A. Correct.

8 Q. What does Mahad Ibrahim say after that?

9 A. "Okay. I can sell 15 percent of Mind Foundry at a
10 \$1.5 million valuation." Then it's deleted by sender.

11 "That will leave me with 51 percent. I'll also
12 try to get additional capital from contracts."

13 And then there's an indication that there's a
14 missed voice call.

15 Q. And then Abdiaziz Farah says, "Just headed back to the
16 cities from Duluth. We will meet tomorrow and chat about
17 that, bro"?

18 A. Correct. Followed by a series of missed voice calls.

19 Q. At the top of page 3 of Government Exhibit H-54g, this
20 is -- the conversation continues on April 15th of 2021?

21 A. It does.

22 Q. And it continues by Abdiaziz sending to Mahad Ibrahim an
23 invoice; is that right?

24 A. It is, yes.

25 Q. Can you describe that invoice for the jury?

1 A. This is an invoice allegedly for ThinkTechAct
2 Foundation, payable to Nur Consulting, in the amount of
3 \$12,000 dated April 15th, 2021.

4 Q. And what's the nature of the consulting listed on the
5 invoice?

6 A. Looks like billing, staff training, delivery
7 coordination.

8 Q. And --

9 A. And consulting. I mean, generally consulting.

10 Q. I'm going to direct your attention to what's been
11 admitted as Government Exhibit B-10.

12 And this is -- this is April 15th, is that right,
13 2021?

14 A. Correct.

15 Q. Okay. Government Exhibit B-10 is the original Secretary
16 of State filing for Nur Consulting LLC; is that right?

17 A. From the Secretary of State, yes.

18 Q. Okay. And who incorporated Nur Consulting LLC?

19 A. Abdimajid Nur.

20 Q. Is that one of the defendants here in the case?

21 A. It is, yes.

22 Q. And directing your attention to page 2 of Government
23 Exhibit B-10, when did Abdimajid Nur register Nur Consulting
24 LLC?

25 A. April 4th, 2021.

1 Q. Now, I'm directing your attention back to H-54g. I
2 think when we left off, we were on page 3.

3 If he incorporated that in -- what did you say --
4 May [sic] 5th, May [sic] 4th --

5 A. May [sic] 4th.

6 Q. -- how does that compare to this first invoice here?

7 A. So this first invoice says submitted on April 15th,
8 2021.

9 Q. Eleven days later?

10 A. Correct.

11 Q. And how does Mahad Ibrahim respond when he receives this
12 invoice from Abdiaziz Farah?

13 A. He says, "MDE requires hours. Have him put hours."

14 Q. And Abdiaziz Farah says, "Okay, bro."

15 A. Correct.

16 Q. And he forwarded something?

17 A. Correct.

18 Q. How does Mahad Ibrahim -- what does he say then?

19 A. "Spreadsheet done."

20 Q. Abdiaziz asks, "Why don't you send it to them ASAP. I
21 can do it"?

22 A. Correct.

23 Q. How does Mahad Ibrahim respond to that?

24 A. "But the main thing is it needs to match menus, but I'll
25 send it."

1 Q. Okay. And this conversation continues on April 15th,
2 2021, on page 4 --

3 A. It does.

4 Q. -- of Government Exhibit H-54g; is that right?

5 A. Correct.

6 Q. It's a series of things from Abdiaziz Farah; is that
7 right?

8 A. Correct.

9 Q. "Wait. I will work on it first thing in the morning.
10 Only menu needed is Friday."

11 Is that right?

12 A. Correct.

13 Q. And then there's a CACFP At-Risk 7-Day Grocery Menu; is
14 that right?

15 A. Correct.

16 Q. It says, Meals Provided by Empire Cuisine & Market?

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

18 Q. Do you get a sense of what's on here? Could you
19 describe what's on this menu?

20 A. Yeah. I mean, it says -- has the days listed on there,
21 and then it has a variety of food-related items that are
22 circled. For example, March 13th is circled string cheese,
23 dried red, tuna fish, 100 percent apple -- or 100 percent
24 fruit juice, apples, oranges, carrots, potatoes, tomatoes,
25 pasta.

1 Q. Then there's the second menu that's not circled then
2 sent by Abdiaziz Farah; is that right?

3 A. Correct.

4 Q. And then Abdiaziz Farah says, "First one is good to go.
5 Hold up. Will get you everything in two minutes, bro."

6 Is that right?

7 A. Correct.

8 Q. What does Mahad Ibrahim say?

9 A. "You send the menus. I'll send the spreadsheet."

10 Q. And Abdiaziz Farah says, "Bro, let's do it together so
11 that we can be done."

12 A. Correct.

13 Q. Is that right? Okay.

14 THE COURT: We're going to take an afternoon break
15 at this point. So we'll return at 3:20.

16 All rise for the jury.

17 3:04 p.m.

18 **IN OPEN COURT**

19 **(JURY NOT PRESENT)**

20 THE COURT: You may all be seated.

21 Mr. Schleicher, you have something for the record?

22 MR. SCHLEICHER: Yes, Your Honor.

23 THE COURT: Thank you.

24 MR. SCHLEICHER: Thank you, Your Honor.

25 Your Honor, taking a look at the government's

1 proposed exhibit list for tomorrow, which they've disclosed
2 to us, and then today, I don't think that they're planning
3 to call anyone in support of the search warrant of Said
4 Farah's home.

5 I've discussed the matter with Mr. Thompson, and
6 I've asked that he be willing to accept service for
7 government agents that Said Farah, Defendant Number 5, may
8 call in its case in chief, which at this time would include
9 Kent Brown and Vicki Klemz, and he agreed to do so.

10 THE COURT: All right. Thank you.

11 MR. SCHLEICHER: Is that right?

12 MR. THOMPSON: Yeah.

13 THE COURT: Okay. I had one question as well and
14 that is whether H-53a through s, which was the WhatsApp
15 between Kara Lomen and Abdiaziz Farah, whether there was a
16 coconspirator objection to that, whether that was
17 conditionally admitted or whether the standing objection
18 applied.

19 I don't -- I don't know the government's position
20 on how big the conspiracy is.

21 MR. IAN BIRRELL: My understanding was that it was
22 to be conditionally admitted and that the standing objection
23 would apply to it.

24 THE COURT: Thank you.

25 Mr. Thompson, is that right, that you would

1 suggest that 801(d)(2)(E) applies to H-53a through s?

2 MR. THOMPSON: Yes, Your Honor.

3 THE COURT: All right. Thank you.

4 Then that one is conditionally admitted. Thank
5 you.

6 I'll see you all at 3:20.

7 (Recess taken at 3:06 p.m. till 3:25 p.m.)

8

9

IN OPEN COURT

10

(JURY PRESENT)

11

THE COURT: You may all be seated.

12

Mr. Thompson, you may continue.

13

MR. THOMPSON: Thank you, Your Honor.

14

BY MR. THOMPSON:

15

Q. Welcome back, Agent Pitzen.

16

A. Thank you.

17

Q. Now, Agent Pitzen, is it your understanding that back

18

during the COVID days there was a dispute between Feeding

19

Our Future and the Minnesota Department of Education?

20

A. Yes, I'm aware of that.

21

Q. What was the general nature of the dispute?

22

A. There was a -- the Minnesota Department of Education was

23

attempting to stop payment or at least validate the claims

24

that were being submitted before they would pay them.

25

Q. Okay. And this was in the context of litigation or a

1 lawsuit by Feeding Our Future against the Department of
2 Education?

3 A. Correct.

4 Q. You mentioned a stop pay.

5 A. Correct.

6 Q. What's a stop pay?

7 A. A stop pay is essentially that the Minnesota Department
8 of Education was no longer going to just be paying out the
9 claims as they came in. They wanted -- as the claims come
10 in, they wanted to be able to validate them prior to paying
11 them.

12 So they put all, basically, all claims that were
13 submitted in stop pay mode, so the payments would not go out
14 related to those claims.

15 Q. Okay. And was that a change of procedure from how it
16 normally worked?

17 A. It was.

18 Q. Normally, how did MDE pay out claims under these child
19 nutrition programs?

20 A. Normally, it was a submit the claim, get paid, and check
21 up on it later or verify it later.

22 Q. Are you familiar with that as an IRS agent?

23 A. It's exactly how the IRS works. We pay out the refunds
24 as the claims for refunds are submitted; and then if there's
25 issues, we deal with that at a later time.

1 Q. Claw the money back?

2 A. Attempt to.

3 Q. This stop pay, this was in April of 2021; is that right?

4 A. Correct.

5 Q. Did you -- when you were reviewing the WhatsApp messages
6 between Abdiaziz Farah and Mahad Ibrahim, did you see text
7 message exchanges between the two of them about this stop
8 pay?

9 A. I did.

10 Q. I'm going to show you now what's been admitted as
11 Government Exhibit H-54h and is -- you see that up on the
12 screen there?

13 A. I do, yes.

14 Q. And is this one of the text messages exchange about the
15 stop pay?

16 A. It is.

17 Q. And when is this conversation between Abdiaziz Farah and
18 Mahad Ibrahim?

19 A. It starts on April 21st, 2021.

20 Q. And so Mahad is in blue, and Abdiaziz Farah is in green?

21 A. Correct.

22 Q. Okay.

23 A. Mahad Ibrahim says, "Feeding Our Future lost the
24 hearing."

25 Q. "Based on?"

1 A. "It's a mess. Bottom line, nobody is getting paid till
2 at least May 30. And MDE is going to go line by line
3 through each site's data."

4 Q. "They are doing claim validation. Utilizing 60 day."

5 A. "And confirmed they paid everyone else. All other
6 sponsors."

7 Q. "Except FOF and PIN"?

8 A. "Except PIN and FOF."

9 Q. "What's the justification for the holdup?"

10 A. "People can't explain that, but apparently they didn't
11 have to provide a justification."

12 Q. And this stop pay, who did it apply to?

13 A. It applied to the sites under the sponsorship of Feeding
14 Our Future and Partners in Quality Care or Partners in
15 Nutrition, as it was commonly known.

16 Q. This conversation continues on page 2; is that right?

17 A. Correct.

18 Q. "Because they don't do the damn bare minimum as for
19 compliance and stuff."

20 A. "And judge said you need to get everything done within
21 45 days. FOF is arguing it's 14 days. Either way."

22 Q. "PIN at least has a head start."

23 A. "No chance they can complete that level of scrutiny in
24 45 days."

25 Q. Agent Pitzen, you found other text message excerpts

1 between Abdiaziz Farah and Mahad Ibrahim on this stop pay
2 issue?

3 A. I did, yes.

4 Q. What was the general tone of their conversation?

5 A. They were concerned about the payments not coming in,
6 the flow of money is not going to come in.

7 Q. Were they concerned about having to validate their
8 claims or --

9 A. They were, yeah.

10 Q. All right. I'm showing you now H-54i. This is another
11 text message excerpt between Abdiaziz Farah and Mahad
12 Ibrahim?

13 A. It is.

14 Q. On April 21st of 2021?

15 A. Correct.

16 Q. Abdiaziz Farah begins, "Bro, FOF is in deep shit I can
17 assure you. I hope her lawyer is Jesus. Miracles,
18 miracles, miracles."

19 A. "Honestly enough pressure and she'll get another
20 chance."

21 Q. "Bro, did you read everything?"

22 A. "The thing is most of what is mentioned seems very
23 simple stuff."

24 Q. "It goes all the way to IRS. This is not her personal
25 business. Nonprofit. No audit for three years."

1 A. "Which is stupid. That's what I'm saying. It is done
2 stuff. Dumb stuff."

3 Q. Continues on page 2?

4 A. Correct.

5 Q. "She needs to resign and do a major overhaul."

6 A. "Honestly, Kara doesn't have her shit much better."

7 Q. "Her board chair needs to go."

8 A. "TTA will blow them away."

9 Q. "Kara is in the basement. Let's talk at least about
10 first floor. Her office and staff say it all."

11 "TTA will blow them away." Do you understand what
12 they're talking about there?

13 A. I've seen TTA commonly used referring to ThinkTechAct.

14 Q. And he was going to blow Feeding our Future and Partners
15 in Nutrition away?

16 A. Correct. ThinkTechAct was attempting to basically
17 become a sponsor, so be equivalent to a Feeding Our Future
18 or a Partners in Quality Care.

19 Q. And what's your understanding of how sponsors are paid
20 under the Child Nutrition Program?

21 A. So the sponsors generally operate on like a
22 percentage -- percentage of claims basis. So they get a
23 percentage of all claims paid out. So, generally, it's 10
24 to 15 percent of all claims that they submit.

25 Q. For 10 to 15 percent of all claims paid out --

1 A. Correct.

2 Q. -- of all the sites under their sponsorship?

3 A. Correct. Yes.

4 Q. TTA was trying to become one? ThinkTechAct?

5 A. Correct.

6 Q. And this continues. We cut out a few irrelevant
7 portions; is that right?

8 A. Correct.

9 Q. And on page 3 the conversation continues; is that
10 correct?

11 A. It does.

12 Q. Again, on April 21st of 2021?

13 A. Correct.

14 Q. And it begins with Abdiaziz Farah and continues with
15 Abdiaziz Farah. "Bro, I hate to bring this back, but
16 Hadith, Mahad, and Ikram are not super smart."

17 A. "For a while."

18 Q. "Kara is going to get stop pay removed."

19 A. "Mahad and Hadith have no option. It was more money
20 than they get. For Ikram, she eats on all sides."

21 Q. "She did all was requested of her. After seeing FOF,
22 whatever Kara got is piece of cake participant."

23 A. "Eidleh apparently eats too. I love that you found this
24 out. We literally have all the cards."

25 Q. Are you familiar with Eidleh?

1 A. I am, yes.

2 Q. Who's Eidleh?

3 A. Eidleh was another employee at Feeding Our Future.

4 Q. Abdikerm Eidleh?

5 A. Correct.

6 Q. Did he have a similar job to Hadith Ahmed?

7 A. He did.

8 Q. On page 4 they continue talking about Abdikerm Eidleh;
9 is that correct?

10 A. They do.

11 Q. Abdiaziz Farah says, "Eidleh made a lot of money while
12 Hadith was listening to Aimee's lectures. Bro, don't stress
13 too much. All will be good. We are better off and blessed
14 in so many more than a lot, a lot, a lot of people. Don't
15 forget to say alhamdulillah."

16 And then there's an empty file; is that right?

17 A. There is.

18 "You've cashed all the checks from TTA???"

19 Q. "What do you mean? I need more checks from you."

20 A. "You cashed everything you have."

21 Q. "You have more of my money and I have yours."

22 A. "There is 59K in the account. 25K stays in there for
23 TTA. That's the difference after Abdimajid cashed the
24 check."

25 Q. "LOL. Stop it, bro."

1 A. "Reminder on the check."

2 Q. "Also, if you can make the 34K check to Empire
3 Enterprises LLC. I got the check for you. No worries."

4 And, again, what is Empire Enterprises LLC?

5 A. It's an entity controlled by Abdiaziz Farah.

6 Q. And if I remember correctly, he registered it about two
7 and a half weeks earlier on April 5th of 2021?

8 A. Correct.

9 Q. There was more texts between Abdiaziz Farah and Mahad
10 Ibrahim about this dispute with -- or the stop pay issue
11 with Feeding Our Future and Partners in Nutrition?

12 A. Correct.

13 Q. Is Government Exhibit H-54j one of those conversations?

14 A. It is.

15 Q. It begins with Abdiaziz Farah on April 27th of 2021; is
16 that right?

17 A. Correct.

18 Q. "Send me the agreement for Afrique, bro, or however you
19 guys robbed the other partners. JKS."

20 A. "Dar Al-Farooq mentioned as one of the largest food
21 distribution places in an article."

22 Q. "Send it my way, bro."

23 A. Then Mahad sends a link to a twincities.com article with
24 a title, Despite fraud concerns, Minnesota won't limit free
25 summer meals for kids.

1 Q. twincities.com. Is that the website for the Pioneer
2 Press?

3 A. It is, yes.

4 Q. And Abdiaziz Farah responds to the articles; is that
5 right?

6 A. He does.

7 Q. "Brava Cafe gets 1 million. That's so crazy, bro.
8 Article was poorly written too."

9 A. "Who is Discovery Charter School? The only sites on
10 there that make sense are the mosques."

11 Q. "It's based in Eagan. Rumor has it's run by Asad from
12 MAS. It's part of NEO authorizer. Same as Success. Bro,
13 MDE allowed them to make that small-ass restaurant to make
14 1.8 million a month."

15 A. "Hahah. MAS is raking it in."

16 Q. "Yeah, bro. I am telling so many ways to eat. Somalis
17 are just caught up in peanuts. Imagine MAS was in the mix
18 and nobody knew until that paper for almost a year. Almost
19 24 million."

20 A. "Yeah. He's a silent killer. Asad."

21 Q. And, again, this is in response to a news article about
22 concerns about fraud in the Federal Child Nutrition Program?

23 A. Correct.

24 Q. The conversation continues on page 3 of this exhibit; is
25 that right?

1 A. Correct.

2 Q. Abdiaziz Farah says, "Yeah, bro."

3 A. "I can tell."

4 Q. "For real. He is a multi, multimillionaire and no
5 fucker knows. I can assure you M Arab will be shocked to
6 see that."

7 A. "They're partners."

8 Q. "Yes, I know. Bro, the next multi legit millionaires
9 will be me and you."

10 A. "Inshallah."

11 Q. Do you know what "inshallah" means?

12 A. I believe it means God willing.

13 Q. I'm going to direct your attention to Government Exhibit
14 H-54k. Is this another text excerpt?

15 A. It is. Between Abdiaziz Farah and Mahad Ibrahim again.

16 Q. And I believe Mahad Ibrahim begins this conversation?

17 A. He does. On May 7th, 2021.

18 Q. And why don't you read his part.

19 A. What's that?

20 Q. You can read for Mahad again?

21 A. Sure.

22 "I think the first check cleared."

23 Q. "We will make it work, bro, and get you some money too.

24 I want things to be mutual, bro, inshallah. We will always

25 take care of each other, inshallah. I don't need money for

1 myself, just to pay sites, already paid one, and expenses."

2 A. "I will swing by bank in the morning. How many checks?
3 The 988K cleared. I need to go to my bank too to get money.
4 BTW, contributions to business is not taxable until profit
5 generated." Correct? "Right?"

6 Q. And then the conversation continues on the next page
7 discussing that \$988,000; is that right?

8 A. Correct.

9 Q. Abdiaziz proposes a breakdown; is that correct?

10 A. Correct.

11 Q. Empire Cuisine & Market, \$428,000; Empire Enterprises,
12 \$348,950; Empire Cuisine & Market, \$202,750.

13 "I am sure the other one will clear tomorrow too.
14 Let's do that for now, and you let me know what you would
15 like. We will wait on DAR. I think I deposited close to
16 1.4 million or even more. I can write you a check to MIB."

17 Again, what's MIB?

18 A. That's Mahad Ibrahim's entity that he controls.

19 Q. MIB Holdings?

20 A. Correct.

21 Mahad responds by saying, "988K plus 493K. 493K
22 is not cleared."

23 Q. "It will clear tomorrow, inshallah. If it doesn't, no
24 biggie. It's actually 463, bro. \$1,451,000. The only
25 thing we have to pay is Afrique 1,000 meals. Plus, of

1 course, the vendors, sites approved, and we can each get
2 something, inshallah."

3 A. Mahad responds, "I'll get the checks in the morning."

4 Q. And that's on May 7th of 2021?

5 A. Correct.

6 Q. And this was after the stop pay was lifted?

7 A. Correct.

8 Q. Directing your attention to Government Exhibit H-541; is
9 that right?

10 A. Correct.

11 Q. And this is another text conversation about checks; is
12 that right?

13 A. It is, yes.

14 Q. On May 8th of 2021?

15 A. Correct.

16 Q. Between Mahad Ibrahim and Abdiaziz Farah?

17 A. That's correct.

18 Q. Mahad starts the conversation?

19 A. He does.

20 He starts it by saying, "Come to Edina, so we can
21 settle the checks."

22 Q. "Okay, bro. I am on my way."

23 And then Abdiaziz Farah sends a link to a Facebook
24 video?

25 A. He does.

1 And then Mahad responds, "ETA?"

2 Q. "Here."

3 A. "Dozer is in his cage. Afrique equals \$106,300. MIB
4 Holdings LLC equals \$172,329.80."

5 Q. Remind us again what Afrique is.

6 A. Yeah, Afrique is an entity that was used by Mukhtar
7 Shariff and Mahad Ibrahim.

8 Q. Then Abdiaziz Farah sends a -- I think it's a link to a
9 document -- "Farah - Technology System. Attachments: Admit
10 One Systems Proposal."

11 Is that right?

12 A. He does.

13 Q. And that's a high-end speaker proposal?

14 A. It is. It's like a, yeah, layout of a whole speaker
15 system.

16 Q. For his house?

17 A. Correct.

18 And then on Mahad's string is a missed voice call.

19 "OWT equals \$282,000 for March and April,
20 inclusive of expenses. They had an error in their
21 accounting."

22 Q. "That's too crazy, bro, and too much."

23 A. Mahad responds, "???" The math is correct."

24 Q. "For the two months?"

25 A. "Yes. We billed 4500 a day for 61 days March 1st

1 through April 30th."

2 Q. "Cool, bro. I will have the check ready whenever we do
3 our math, inshallah. You got the house."

4 A. "Signing at 3:00 p.m."

5 Q. "That's exciting, bro."

6 A. "And scary."

7 Q. "LOL."

8 A. Mahad continues on, "I have a problem."

9 Q. "What happened? Hahah."

10 A. "No matter what my bank account says, I still worry
11 about money. I think I'm scared from childhood."

12 Q. "It should never be like that. If you get your house
13 paid off and got some disposable income, life is good."

14 A. "For sure. It's not rational, I know, but it's a
15 persistent fear of mine. That's why I don't spend money,
16 though I haven't been broke since I was 16."

17 Q. "Makes sense, bro. That fear should never slow you down
18 to have fun and take risks."

19 A. Then there's a couple missed voice calls from Mahad.

20 Then he responds, "Total outstanding is
21 \$1,451,561.62 from Kara through April. FOF owes at least
22 \$425,250."

23 Q. "Can you email her please, and CC me starts the
24 conversation."

25 A. "Done." Account number, as you can see on the screen,

1 routing number, he provides.

2 Q. And what's a routing number?

3 A. A routing number is a specific number related to a
4 banking institution, specific to just them.

5 Q. And then there's an attachment that didn't go through,
6 it seems; is that right?

7 A. Correct.

8 Q. "What's the amount, bro? And I made an appointment
9 tomorrow for your wire, bro, inshallah. Amount for
10 Afrique."

11 A. Another empty file.

12 "The last number is you and I before the
13 additions. You can write the rest to Afrique. Or I can, I
14 guess."

15 Q. "Still not understanding. What's the total for Afrique?
16 1,000 meals, right? And 2500 to Empire? And you take your
17 cut from the 1,000. So tell me what I should take out."

18 A. Mahad responds, "That is what I did. Our cuts are on
19 the total. But you always add some for the Empire pot,
20 which is why that is there. It's the same calf's. Calls.
21 Calcs."

22 Q. "Got it, bro. I am a slow ass today. Ma bad. Send me
23 the Plymouth amounts, bro."

24 There's an empty file from Abdiaziz Farah.

25 "Like you always tell me. We need to get paid

1 ASAP."

2 A. "Did you write the other checks?"

3 Q. "Bro, text me anything you want me to do and checks will
4 get to you. DAR has the \$200,000 check already. Mukhtar
5 picked it up."

6 A. "40K for A&E. 17,500 for Epic Therapy."

7 Q. Are you familiar with an entity called A&E Logistics?

8 A. I am, yes.

9 Q. I'll show you what's -- this 40,000 for A&E, that's
10 June 2nd, 2021; is that right?

11 A. Correct.

12 Q. I'm going to show you Government Exhibit B-13. It's a
13 Secretary of State filing for A&E Logistics LLC?

14 A. I recognize that, yes.

15 Q. And do you recognize the address?

16 A. Yes. That's the address also utilized by ThinkTechAct,
17 a/k/a Mind Foundry.

18 Q. And do you know what 200 Southdale Drive is?

19 A. It's like a workplace-type site in Edina.

20 Q. The Life Time Work facility?

21 A. Correct.

22 Q. Office share?

23 A. Right.

24 Q. And what's the email listed?

25 A. mahad.ibrahim@gmail.com.

1 Q. And when did Mahad Ibrahim create A&E Logistics LLC?

2 A. May 31st, 2021.

3 Q. And that's three days before they talk about \$40,000 for
4 A&E?

5 A. Correct.

6 Q. Sorry. He continues then, Mahad Ibrahim?

7 A. He does, yes.

8 Q. Go ahead.

9 A. He says -- Mahad says, "17,500 for Epic Therapy."

10 Q. "How about Plymouth? Our cut and then Empire cut."

11 And do you know what Plymouth is?

12 A. Plymouth is, I assume, referring to a site location.

13 There was a food distribution site registered there.

14 Q. Okay. They're talking their cut and Empire's cut of
15 those child -- Federal Child Nutrition Program
16 reimbursements?

17 A. Correct.

18 Q. All right. There's more texts about this dispute
19 between MDE and Feeding Our Future and Partners in
20 Nutrition; is that right?

21 A. There was, yes.

22 Q. H-54m. Government Exhibit H-54m, is that one of those
23 discussions?

24 A. It is, yes.

25 Q. And it's on June 2nd, 2021?

1 A. Correct.

2 Q. Between Mahad Ibrahim and Abdiaziz Farah?

3 A. That's correct.

4 Mahad says, "MDE accused us of fraud today on the
5 call with Bianca and my mom."

6 Q. "How did that happen and why? And will they ever
7 approve our application?"

8 A. "They are assholes. Saying some of our sites are
9 straight fictions."

10 Q. "We are not even a sponsor yet, so what control do we
11 have over sites, bro?"

12 A. "I tried to call Kara."

13 Q. "I'm not understanding. Are they saying the sites don't
14 need to exist or? We can drop sites that they don't think
15 qualify or are in eligible area. We don't make the rules,
16 they do, bro."

17 A. "That's what we said. Anyways, they were just being
18 assholes."

19 Q. "Bro, Kara and Aimee's mess shouldn't overflow to us."

20 A. "I think their biggest issues are Tot and Scott Park.
21 But they didn't say no."

22 Q. "I know Kara and MDE approved sites that were not
23 eligible, and that's not our problem."

24 A. "But we need to get the org status straight."

25 Q. So Kara and Aimee, who are those people?

1 A. So Kara is Kara Lomen from Partners in Quality Care; and
2 Aimee is Aimee Bock, who was the executive director at
3 Feeding Our Future.

4 Q. And Mahad Ibrahim says in the text exchange that their
5 biggest issues are -- or MDE's biggest issues are Tot and
6 Scott Park.

7 Are you familiar with Tot Park and Scott Park?

8 A. I am. Those are two site locations that were set up in
9 this investigation -- or set up as food distribution sites.

10 Q. Under the ThinkTechAct/Mind Foundry --

11 A. Correct. Yes.

12 Q. -- Empire Cuisine umbrella?

13 A. Yep.

14 Q. Where's Tot Park located?

15 A. Tot Park is located in Circle Pines.

16 Q. How about Scott Park?

17 A. That's, I believe, in Bloomington or Burnsville.

18 Q. Government Exhibit H-54n is a continued discussion of
19 those two sites; is that right?

20 A. Correct.

21 Q. On June 7th of 2021?

22 A. Correct.

23 Q. And Abdiaziz Farah begins, "So tell me what's the deal
24 with Tot Park and Scott Park? And just FYI, most of the
25 billing was done via a maximum capacity to cover the other

1 sites that we are missing."

2 A. "Scott Park nothing has been paid."

3 Q. "And Tot Park doesn't do more than Plymouth and Scott
4 Park."

5 A. "Tot Park was serviced by New Prospect Learning. Tot
6 Park billing had nothing to do with those sites. And why is
7 Nur Consulting getting 84K?"

8 Q. "I'm okay with however you wanna make it, so it's fine."

9 A. "I need to speak with Mohamed. And what's left goes to
10 the pot."

11 Q. "Nur Consulting is going to give us that money back for
12 the Empire pot."

13 Again, can you remind us what Nur Consulting is?

14 A. Yeah, that's an entity that's controlled by Abdimajid
15 Nur, one of the defendants in this case.

16 Q. This conversation continues on page 2?

17 A. It does. It continues with Mahad saying, "Okay."

18 Q. "After we pay him his salary. Just trying to move money
19 around."

20 A. "I need to meet with Mohamed later."

21 Q. "Which Mohamed, bro?"

22 A. "Redo the numbers minus Tot numbers. I'll pay that out.
23 And then I'll have an update on Tot soon."

24 Q. "That's fine, bro. Also, can you stop by and chat with
25 Kara today, please? I think some emergency or something."

1 A. "I'll do that."

2 Q. "Plus, we are not trying to bother you, but it's end
3 month, so we need to pay everyone. That's all. Abdimajid
4 can't deal with the headache, and I'm not around."

5 A. "They only released four sites' claims. MDE has bee
6 snooping around. They even called Bloomington School
7 District."

8 Q. "They are useless, bro. Release four sites for the
9 money we have now or for May?"

10 A. "May."

11 Q. "Are you talking about the claim registers we got? That
12 guy is lazy, but all meals were processed according to Jodie
13 and Kara last week, and we should be able to pick up checks
14 this Thursday."

15 A. "Oh, okay."

16 Q. The conversation continues on page 4; is that correct?

17 A. Correct.

18 Mahad continues by saying, "I thought the check
19 wasn't available until he sends his docs."

20 Q. "No, bro. He does his random. Do you want me to email
21 again and confirm?"

22 And then there's an empty audio file; is that
23 right?

24 A. Either an audio or a video file, yeah.

25 Q. "Me and four of my brothers in Mandera, Kenya. You see

1 I sent him a reminder, and now he is resending everything.
2 Lazy people."

3 And then there's an empty JPEG photo file?

4 A. Correct.

5 And then Mahad responds, "Okay. Thanks."

6 Q. Agent Pitzen, I notice I don't see a whole lot of
7 conversations about children. Do you?

8 A. There was not that many about children; and the ones
9 that were discussing children was more so in the guise of
10 just their names and dates of birth, rather than like the
11 physical actual child.

12 Q. I don't see a whole lot of discussion about logistics.

13 A. Correct.

14 Q. What's the discussion focused on?

15 A. A lot of discussion focusing on money, splitting up the
16 proceeds that are coming in.

17 Q. And to be clear, I know you weren't the financial expert
18 here, but how much money was coming in to ThinkTechAct and
19 Empire Cuisine?

20 A. It was, in total, related to this group of entities, it
21 was about -- I believe it was about \$49 million over the
22 course of the year and a half.

23 Q. A lot of money?

24 A. A lot of money.

25 Q. And they spent a lot of time talking about their

1 different cuts and how to split it up?

2 A. Correct.

3 Q. Fair to say they spent more time talking about that than
4 about feeding kids?

5 MR. SCHLEICHER: Objection, Your Honor.
6 Argumentative and leading.

7 THE COURT: Sustained.

8 BY MR. THOMPSON:

9 Q. I'm showing you now what's been marked as H-54o. This
10 is another text exchange between Abdiaziz Farah and Mahad
11 Ibrahim; is that right?

12 A. Correct.

13 Q. June 7th, 2021; is that right?

14 A. Correct.

15 Q. And it starts out talking about Hadith Ahmed; is that
16 right?

17 A. Correct.

18 Q. Abdiaziz Farah says, "Anyways, Hadith might take
19 As-Sunnah, Samaha, and Al-Ihsan, and they already have DAR."

20 A. "I'm annoyed."

21 Q. Before we get to that, can you -- do you -- are you
22 familiar with As-Sunnah, Samaha, Al-Ihsan and DAR?

23 A. I am. They were, all four, food distribution site
24 locations that they set up.

25 Q. And Hadith, he was an employee of Feeding Our Future; is

1 that right?

2 A. Correct.

3 Q. Feeding Our Future was the sponsor of the Dar Al-Farooq
4 site; is that right?

5 A. Correct.

6 Q. So he says they "might take As-Sunnah, Samaha, and
7 Al-Ihsan." That's transferring them from PIN to Feeding Our
8 Future?

9 A. That's what it appears, yes.

10 Q. It continues, "So check with him."

11 A. "Hi. I have the checks. I'm going to subtract the
12 amount for the rice order from my friend Ram and pay him
13 directly. He hasn't been paid yet."

14 Q. "Okay. That's fine, bro. What's the number? As in
15 from Tot, so that I can tell Abdimajid to write you your
16 check."

17 A. "I need to calculate, but the 30 percent retained."

18 Q. "Okay, bro."

19 Do you have any idea why Abdimajid -- why Abdiaziz
20 Farah would be telling Abdimajid Nur to write Mahad Ibrahim
21 a check related to Tot Park?

22 A. There was invoices going back and forth and to just send
23 the money -- a reason to send the money between the various
24 entities.

25 Q. Entities that they controlled?

1 A. Correct.

2 Q. All right. Abdiaziz Farah continues on June 8th, "Also
3 wrote that 30 percent to Empire Cuisine & Market. Or let me
4 know what the total amount is, and I will send the check
5 breakdown, bro.

6 "Also, Kara's email is confusing as hell, but we
7 need at least 2,000 for the mosques. I will keep pushing
8 it, bro, but let's start with what we can now."

9 A. Mahad continues, "Yes, her emails are unclear."

10 Q. Abdiaziz sends an attachment, some sort of audio file;
11 is that right?

12 A. That's my understanding, yes.

13 And then Mahad continues, "\$185,479.96 for Tot
14 Park, our portion."

15 Q. Abdiaziz Farah states, "\$590,958.08, plus \$185,479.96.
16 I didn't add Broadway cuz it's not ours, something like
17 that."

18 These are discussing proceeds of the Federal Child
19 Nutrition Program?

20 A. Correct, distributions of the money.

21 Mahad responds, "Okay. Did we get paid for
22 Broadway recently? I thought that was old."

23 Q. "It was like 2800. Nothing."

24 A. "And paid out already? Oh, an adjustment."

25 Q. "We are all paid out with Broadway. That's 2800

1 adjustment."

2 A. "I severed ties with Abdullahi Botan."

3 Q. "What?"

4 A. "He accused me of stealing."

5 Q. "LOL. He is crazy. F him."

6 A. "I told him the site will continue without him in a
7 different location in the park. We will pay him 17K to tie
8 him over and settle up, and he's done, and not to contact me
9 anymore. I'll give his money to his uncle."

10 Q. They're talking about a site to distribute food to kids;
11 is that right?

12 A. Correct.

13 And then Mahad continues on, "Plus \$185,479.96. I
14 want to write the checks."

15 Q. And what's the --

16 A. "What's the break" -- so he forwards that email and
17 says, "What's the breakdown? I want to write the checks."

18 Q. Abdiaziz Farah says, "What's the total, bro?"

19 A. "Minus what you sent by \$432,786.58. And that should
20 cover it. I'd also like to put another 30K into TTA to
21 cover expenses. You can subtract from my share."

22 Q. "What's the remaining number, bro? I can't do the math.
23 LOL."

24 A. Mahad responds, "\$657,251.19. That's the number
25 Abdimajid sent minus \$432,000."

1 Q. "\$197,925, Empire Cuisine & Market. The rest to Bushra
2 Wholesalers LLC. I will get invoices to you ASAP,
3 especially when I return."

4 A. "Do you have the menu? I can edit right now."

5 Q. "Bro, don't forget about Bushra, bro. I can have your
6 check ready Friday or Saturday when it clears."

7 Agent Pitzen, are you familiar with Bushra
8 Wholesalers from the investigation?

9 A. I am, yes.

10 Q. How so?

11 A. It was another entity that was used by the defendants to
12 transfer money through.

13 Q. And I'll direct your --

14 MR. SCHLEICHER: Objection. Foundation on that.

15 THE COURT: Sustained.

16 Can you lay foundation or a little --

17 MR. THOMPSON: Let's just go to the Secretary of
18 State record, which is Government Exhibit B-9.

19 BY MR. THOMPSON:

20 Q. Is this the Articles of Organization for Bushra
21 Wholesalers LLC?

22 A. It is.

23 Q. Filed with the Minnesota Secretary of State?

24 A. Correct.

25 Q. Who are listed as the organizers of Bushra Wholesalers

1 LLC?

2 A. Said Farah and Abdiwahab Aftin.

3 Q. Those are defendants in this case?

4 A. They are, correct.

5 Q. And Said Farah, is he related to Abdiaziz Farah?

6 A. It's my understanding he's his brother.

7 Q. Directing your attention to page 2, when did Said Farah
8 and Abdiwahab Aftin register Bushra Wholesalers LLC with the
9 Minnesota Secretary of State?

10 A. This indicates it was February 10th, 2021.

11 Q. And that was about four months before the text chain we
12 were looking for on -- or we were looking at on June 8th of
13 2021; is that right?

14 A. Correct.

15 Q. Okay. So we're going to go back to Government
16 Exhibit H-54o and continue on page 6.

17 It won't let me. No, that's the end.

18 All right. We've seen some texts before
19 discussing the Feeding Our Future employee Hadith Ahmed; is
20 that right?

21 A. We have.

22 Q. And the site at Dar Al-Farooq?

23 A. Correct.

24 Q. I want to show you another text message exchange on that
25 topic. Okay?

1 A. All right.

2 Q. And this is what's been admitted as Government
3 Exhibit H-54p. Again, between Mahad Ibrahim and Abdiaziz
4 Farah?

5 A. Correct.

6 Q. It starts by -- Abdiaziz Farah starts, "Bro, also DAR is
7 good to go, as per my last communication with Hadith. Top
8 secret: FOF got approved. Our sites with them are good. I
9 need to talk to you about Currie Park ASAP. It's important
10 and urgent cuz I need to push it for it if Kara won't pick
11 it up, but it's a complicated story and I will share."

12 A. "Everyone knows they got approved. Not top secret
13 anymore."

14 Q. "Well, that's good then."

15 A. "Kara said she'd do Currie."

16 Q. "If it's out there, they just wanted me to keep it last
17 night."

18 A. "But she was worried MDE is pushing MPS to claim lakes,
19 parks."

20 Q. MPS, is that Minneapolis Public Schools?

21 A. Correct.

22 Q. "That's great then."

23 This is on page 2 of Government Exhibit H-54p.

24 A. "They did that with Peavey."

25 Q. "How many meals? FOF, Feeding Our Future, can give us

1 2,000. DAR has 3,000."

2 A. "Okay. She didn't tell me, but her email capped at
3 1200. I'll call her."

4 Q. "Okay. Talk to her, please. Thanks.

5 "Ask Abdimajid to go get them, bro. She is a
6 mess, bro. No money for Al-Ihsan since December. Gotta
7 collect what we can, bro."

8 A. "I can grab them."

9 Q. "No worries, bro. Also, did you connect with Hadith?
10 Also, I need 15-30 minutes of your time to chat about some
11 change of plans. Nothing too crazy, bro, but its need to
12 chat."

13 A. "Hadith never answers. I stopped calling."

14 Q. "What have you been up to? By the way, the check
15 cleared, so we should talk or maybe we can add everything
16 together with May payments. Let me know how you would like
17 to proceed."

18 Then we skipped an irrelevant portion here where
19 this little arrow is, right?

20 A. Correct.

21 Q. "Inshallah, bro. Take care. I need to talk to you ASAP
22 tomorrow, inshallah. FOF is mad at us, but I got DAR on
23 board with 3,000 meals. I will fill you in."

24 A. "Malaria will knock you out. WTF they mad at?"

25 Q. "It's crazy, bro."

1 A. "I haven't even spoke to them."

2 Q. "Long story, but nothing we need to worry about, bro.
3 It's not sizzling, not us. I will fill you in. I also
4 spoke with Kara. I told her 1200 won't work. Currie Park
5 can do 4,000, but she doesn't have enough meals. Anyways,
6 no worries. Better than nothing."

7 A. "If she gives us what she promised, that's 20K."

8 Q. What are they talking about here?

9 A. They're talking about the number of meal -- meal
10 authorizations that the sponsor is allowing each of these
11 individual sites.

12 Q. Why is that so significant?

13 A. Because the more they -- the more number that they're
14 allowed to bill for, the more amount of money they can get.

15 Q. So they open a new site and get as many meal allocations
16 as they can per site?

17 A. It appears as though --

18 MR. MOHRING: Objection. Leading, Your Honor.

19 THE COURT: Sustained.

20 BY MR. THOMPSON:

21 Q. How did that work, Agent Pitzen?

22 A. So it appears as though what they want -- what they're
23 trying to do is to get the most possible number of meals
24 allocated per site, because if you get 2,000 meals versus a
25 thousand meals allocated to them, the sponsor can then

1 submit claims and pay out for twice as many meals.

2 Q. Now, Mahad Ibrahim and his company ThinkTechAct/Mind
3 Foundry, that was supposed to be some sort of nonprofit
4 educational organization; is that right?

5 A. Correct.

6 Q. Did you see much discussion between Mahad Ibrahim and
7 Abdiaziz Farah about educational programming, learning?

8 A. I did not.

9 Q. The conversation continues on page 5 of Government
10 Exhibit H-54p; is that right?

11 A. Correct.

12 Q. Still on June 10th, 2021?

13 A. Correct.

14 Mahad states, "She got paid for those."

15 Q. "Paid for what, bro? Al-Ihsan? Scott?"

16 A. "Yes."

17 Q. "Did she pay us today for those?"

18 A. "I thought they were still stuck. I'll swing by in the
19 morning. I have contractor meetings. And they were closed
20 by the time I showed up today."

21 Q. "She is moving stuff like crazy, which throws me off,
22 but that's fine. I know she is in huge debt with us, but
23 acting innocent. She is prepaying everyone, but not us.

24 And not taking it personal. Anyways, get some sleep, bro.

25 Let me know when you want to talk. I got some ideas, bro."

1 This prepaying, how -- the Federal Child Nutrition
2 Program, that's a reimbursement program?

3 A. Correct. The way it's supposed to operate is you're
4 supposed to submit the claims after the meals have been
5 provided, and then they get submitted to MDE, MDE approves
6 them and pays them back down through the sponsor.

7 Q. Do you know what this discussion of "prepayment" is?

8 A. It appears as though that they're paying out ahead of
9 time, ahead of the claims being submitted.

10 Q. The sponsor is? Feeding Our Future?

11 A. Correct.

12 Q. The conversation continues on page 6 of Government
13 Exhibit H-54p?

14 A. Correct.

15 It continues with Mahad saying, "Okay. I got the
16 checks. Fairly comprehensive, but I'll check through
17 everything."

18 Q. "What's the total, bro?"

19 A. "I haven't calculated. I'm on the way to another
20 meeting."

21 Q. "Okay. Let me know just in case I need to yell at her."

22 A. "Jodie was very cold."

23 Q. "About?"

24 A. "They're tired of all this. Just in general. She was
25 icy."

1 Q. "They are making money like crazy, like crazy, bro."

2 A. "The employees don't get shit. You know that."

3 Q. "Her and Kara own it, bro."

4 Jodie's an employee of Partners in Nutrition; is
5 that right?

6 A. Correct.

7 "It's an NGO."

8 Q. "They just act dumb."

9 A. "Anyways, I could care less how they feel or don't
10 feel."

11 Q. "I agree with you. I just want to get paid, and I hope
12 they did all our money, bro. We are loyal to them, but they
13 are not."

14 A. "It's a lot of money, but not all."

15 Q. Then on the top of page 8, Abdiaziz sends a breakdown of
16 the money; is that right?

17 A. Correct.

18 Q. "Empire Cuisine & Market, \$371,879.75; Empire Cuisine &
19 Market, \$689,218.44; Nur Consulting, \$47,890; Bushra
20 Wholesale LLC, \$289,750; Bushra Wholesale LLC, \$228,950.

21 "I will come up with a plan for the balance, bro.
22 I will have to pay: Plymouth from last time; Owatonna;
23 Mahad and Abdiaziz; take care of other mosques and sites."

24 Agent Pitzen, you're familiar with these entities;
25 is that right?

1 A. I am.

2 Q. Could you run through those sites and who owns them?

3 A. Sure. So Empire Cuisine & Market, again, is Abdiaziz
4 Farah and Mahad Ismail. Nur Consulting is Abdimajid Nur.
5 Bushra Wholesalers is Said Farah and Abdiwahab Aftin.

6 Q. And the conversation continues; is that right?

7 A. It does.

8 Mahad continues, "Okay. Total is \$1,627,688.19."

9 Q. "What's the balance? On your side I meant."

10 A. "I just got home. Will do now. It includes Tot Park
11 amount, et cetera. Okay. So I calculated that Plymouth
12 plus Tot through April is \$142,082 each. Tot, May is
13 \$47,130.15. Each of us."

14 Q. Splitting up the money?

15 A. Splitting up it appears to be the claims related to Tot
16 Park, yes.

17 Q. Purportedly for feeding -- serving meals to children in
18 Circle Pines, Minnesota?

19 A. Purportedly.

20 MR. SCHLEICHER: Objection. Leading.

21 THE COURT: Sustained.

22 BY MR. THOMPSON:

23 Q. "142 each? Excluding Empire charge, correct?"

24 A. "Yes, excluding. Most of that money doesn't go to
25 Empire since it's Tot. I don't know the cut on the

1 \$1,704,688.19. Also, DAR money isn't accounted. Never got
2 that check."

3 Q. Dar Al-Farooq site is not included in that money?

4 A. Correct.

5 Q. "We should at least get over 300,000, bro."

6 A. "Do you have an exact figure, so I can tell you the
7 exact total amount?" And then two missed voice calls.

8 Q. Continuing on page 10, Abdiaziz Farah responds,
9 "\$317,825. Doesn't include DAR. Let me know if I'm missing
10 anything, bro."

11 A. "That is total or each?"

12 Q. "Each, bro. But we need to cut \$15,000 each for
13 Abdimajid."

14 A. "Okay. Let me add everything up."

15 Q. "If that's okay. I haven't paid him last month."

16 A. "That's fine. Okay. That's \$492,037 each with another
17 check of \$30,000 going to Abdimajid."

18 Q. "Did you add Tot Park?"

19 A. "Yes."

20 Q. "Okay. Let me confirm somewhere, bro. I got that
21 amount sent you with Tot Park included. I miss America for
22 real."

23 A. "Okay."

24 Q. "Hahahah."

25 A. "You didn't explain that."

1 Q. "What's the total for us for Tot, pro? Remind me, bro."

2 A. "Plymouth plus Tot for all months except May, Plymouth
3 is \$189,212 each. I think my number is the correct number,
4 because in a normal month we are taking between 266-310
5 each, not including Tot Park, which has a higher yield for
6 us."

7 Q. In this conversation, Abdiaziz Farah talks about missing
8 America. Is it your understanding he would travel to other
9 countries routinely?

10 A. I am aware that he has traveled abroad, yes.

11 Q. Continuing on page 12, "Okay, bro."

12 A. "Because no expenses or Empire cut."

13 Q. "Let me confirm one thing, bro."

14 A. "I just need to know what the number is on the
15 1.7 million, and I can finalize. Forget about Tot Park in
16 the calf. Calc."

17 Q. "Is the 1.7 that went to Empire?"

18 A. "1.7 is everything that is not Tot Park or Plymouth that
19 was paid by PIN in last round."

20 Q. "35 percent, bro, for me and you, but I cut Mohamed 10
21 percent, so 25. I usually get 15 and give myself 10
22 percent, bro. You usually get 15."

23 A. "\$170,468 is 10 percent."

24 Q. Does the discussion about cutting Mohamed a
25 percentage -- did Abdiaziz Farah have a business partner

1 named Mohamed?

2 A. Mohamed is Mohamed Ismail.

3 Q. That's the defendant in this case?

4 A. He is, correct.

5 Q. All right. Mahad Ibrahim said, "\$170,468 is 10
6 percent." Is that right?

7 A. Correct.

8 Q. And Abdiaziz continues, "Does it make sense now? So you
9 are close?"

10 A. "\$255,703 is 15 percent."

11 Q. "Bro, let's go with your number since your mind is in
12 good spot."

13 A. "\$214,000 each?"

14 Q. "We can always fix it later."

15 A. "I just split it in half."

16 Q. "Do you want two checks or one check for the amount?"

17 Continuing on page 14?

18 A. Correct.

19 Mahad responds, "\$402,000 each."

20 Q. "Plus, we have a lot of money outstanding, including
21 Plymouth and Al-Ihsan. And don't worry, I will take care of
22 Abdimajid."

23 A. "2 or 3 checks."

24 Q. "If it's tight. So 402,000 for you."

25 A. "It's fine. Take it out of mine too."

1 Q. "Okay, bro. No worries."

2 A. "So 377K. Three checks, please, from different
3 companies. Scott Park is outstanding too. It's insane."

4 Q. He's asking to get three different checks from three
5 different companies?

6 A. Correct.

7 Q. Okay. I'm going to direct your attention now, Agent
8 Pitzen, to H-54q, which is a further WhatsApp message
9 discussion between Abdiaziz Farah and Mahad Ibrahim; is that
10 right?

11 A. Correct.

12 Q. And this is on June 25th of 2021?

13 A. It is.

14 Q. And they start off talking again about the dispute
15 between MDE and Feeding Our Future; is that right?

16 A. Correct.

17 Mahad starts out by saying, "MDE hasn't approved
18 anything."

19 Q. "How about the sites that started, especially from
20 Feeding Our Future?"

21 A. "But MPS hasn't taken over that site, which is good.
22 Feeding Our Future has 30 approved only."

23 Q. "30 sites?"

24 A. "30 sites, yes."

25 Q. "That's not bad."

1 A. "But they were also ahead of the game. Kara was late to
2 the party."

3 Q. "Is DAR included?"

4 A. "DAR wasn't approved yet."

5 Mahad responds or continues on with, "MDE is
6 trying to block all mosques, but we've started a convo with
7 school district."

8 Q. "Hadith is a dumbass. Not sure Ikram is better either
9 way."

10 A. "Ikram is upfront at least and smart."

11 Q. "Makes sense."

12 A. "We'll get at least 10,000 meals. I'm confident of
13 that."

14 Q. Do you know someone named Ikram at Feeding Our Future?

15 A. Yes, I'm aware of an employee there at Feeding Our
16 Future with that name.

17 Q. And do you know the last name?

18 A. Was it Ikram Mohamed?

19 Q. And what was her role at Feeding Our Future?

20 A. She was, I think, similar role to Hadith and Abdikarim
21 Eidleh.

22 Q. Site supervisor?

23 A. Right.

24 Q. "Hey, bro. We need quorum for the board meeting Tuesday
25 at 5:00 p.m. Please log in if you can. I would appreciate

1 it. 30 minutes max, inshallah."

2 A. "Okay. Got it. Can Tracy send a reminder tomorrow an
3 hour before the meeting?"

4 Q. "Yes, bro. Inshallah."

5 A. "Are you back?"

6 Q. "Thursday, bro. Had to make a quick stop in Dubai."

7 A. "Kara is getting on my last nerve. She's trying to set
8 TTA up to pay back Tot Park."

9 Q. "How does that work, bro?"

10 A. "It's BS."

11 Q. "She hasn't paid us for so, so many sites, bro."

12 A. "Her team conducted a site visit. That is what I
13 responded."

14 Q. "She was the one who told us to do Tot Park."

15 A. "I wasn't going to say that, but it's true."

16 Q. "She is crazy, bro. You should ignore her."

17 A. "I wrote back saying your team did a site visit. Tell
18 MDE you saw the distribution."

19 Q. "She is a nightmare. She needs to pay us for a lot of
20 our sites, bro. Blaming MDE always."

21 Agent Pitzen, what does Mahad Ibrahim -- they're
22 talking about Tot Park, right?

23 A. Correct.

24 Q. Where is that site located again?

25 A. That's the site up in Circle Pines, Minnesota.

1 Q. The claims were pretty significant at that site, would
2 you say?

3 A. They were, yes.

4 Q. More than 2500 kids a day?

5 A. Correct.

6 MR. SCHLEICHER: Objection, Your Honor. Leading.

7 THE COURT: Overruled. I'll allow it.

8 BY MR. THOMPSON:

9 Q. What does Mahad Ibrahim -- first off, what's he
10 complaining about on the page before?

11 A. He's complaining about having -- that PIN wants them to
12 pay back claims, money related to claims submitted for that
13 site, and that they did a site visit, her team conducted a
14 site visit of that site.

15 Q. And what's their reaction to her team conducting a site
16 visit?

17 A. They don't appear to be too happy. And that was --

18 Q. And what -- oh, go ahead.

19 A. According to this, she was the one that instructed them
20 to use that as a site.

21 Q. And what does Mahad Ibrahim tell Abdiaziz Farah he told
22 Kara Lomen about the Tot Park site?

23 A. He told Abdiaziz Farah that he told her, "Tell MDE you
24 saw the distribution."

25 Q. He told her that Abdiaziz's team had done a site visit?

1 A. Correct.

2 Q. And asked him to tell MDE that they saw food being
3 distributed there?

4 A. Correct.

5 Q. All right. Agent Pitzen, I'm directing your attention
6 now to Government Exhibit H-54r.

7 This is a discussion of rosters; is that right?

8 A. That's correct.

9 Q. You mentioned a little bit earlier in your testimony
10 about the role of names; is that right?

11 A. Correct. Names were important -- appeared to be
12 important to these people.

13 Q. Based on your review of these text messages?

14 A. Correct.

15 Q. How so?

16 A. They were it seemed like texting and messaging back and
17 forth, looking -- they always appeared to be looking for
18 names, names that they then needed to submit on rosters to
19 the sponsor in order to support meal claims.

20 Q. Did these rosters gain additional importance during the
21 battle on the stop pay in the spring of 2021?

22 A. It did. At some point MDE then -- initially for some of
23 the programs, names were not required; but later on MDE
24 required to have names and dates of birth of the children
25 who were receiving the food distribution at the sites.

1 Q. And when the stop pay happened, was that some of the
2 information that was needed?

3 A. Correct.

4 Q. And did that -- it changed from -- well, how did it
5 change during the stop pay, the role of that kind of
6 supporting documentation?

7 A. So initially some of the sites were -- during the summer
8 food program, didn't need a specific name. After the stop
9 pay they needed to have rosters and roster lists to
10 substantiate the claims that were being submitted, names of
11 children who were allegedly receiving the food.

12 Q. Okay.

13 A. The meals.

14 Q. Government Exhibit H-54 is a text message exchange
15 between Abdiaziz Farah and Mahad Ibrahim about rosters; is
16 that right?

17 A. Correct.

18 Q. And this is on October 27th of 2021?

19 A. Correct.

20 Q. Abdiaziz Farah begins, "No Plymouth money because I
21 can't get them to send me roster."

22 A. "Abdimajid has the roster."

23 Q. "The roster Abdimajid has is missing a lot of last names
24 that they didn't provide. Only 678 kids have first and
25 later name."

1 A. "Abdullahi just told me they got 9,000 names, full DOB
2 and everything."

3 Q. "LOL. How?"

4 A. "I have no idea, but he said they were motivated, they
5 didn't want to lose out, and they have appreciated the
6 training TTA has given and are improving their system to
7 pass inspection. I was shocked, honestly."

8 Q. "9,000 names?"

9 A. "Full DOB and everything."

10 Q. "LOL. That's great for real."

11 A. "You think other places will come through with enhanced
12 rosters?"

13 Q. "Eventually, yes. Samaha needs more time. But those
14 rosters won't be live until November 6th. Expect a hit for
15 November, but things will pick up."

16 A. "I'm fine. Either way, this is all a blessing."

17 Q. "I agree, bro."

18 During their text message exchange between Abdi --
19 or Abdiaziz Farah and Mahad Ibrahim, did they discuss
20 investing some of the money they made through their
21 participation in the Child Nutrition Program?

22 A. They did, yes.

23 Q. Is Government Exhibit H-54s an example of that?

24 A. It is, yes.

25 Q. And this is an exchange on December 28th of 2021; is

1 that right?

2 A. Correct.

3 Q. It begins with Mohamed -- I'm sorry -- Mahad Ibrahim; is
4 that right?

5 A. It does.

6 He starts out by saying, "Honestly, once we
7 stabilize food program, I want to work on making escape room
8 global, so we getting a cool 1 million a year from white
9 people."

10 Q. "Bro, we can. Walahi and I got this. Nothing hinders
11 me except death. I invested 6 million in Kenya within three
12 years, and it's growing, bro. I truly respect you, and we
13 can partner on so many things. Haters will always hate, but
14 I can't control that."

15 A. "Oh, yes. Just got to keep moving."

16 Q. "Let me do the sales. You just get us organized. Even
17 Afrique will make millions because of me and you."

18 A. "Inshallah."

19 Q. "I already have three schools from the get-go, bro.
20 Also, Brian Coyle is on the table for us. One meeting and
21 it will be done for us."

22 A. "Awesome. By the way, I think we should drop Mukhtar
23 contribution. By the way, I think we should drop Mukhtar
24 contribution from the at-risk pot. He hasn't even
25 contributed his proper share to A&E."

1 Q. "I am game, bro. And wants 1.7 million for the dating
2 app."

3 This reference to the escape room and a dating
4 app, are these -- they're investments; is that right?

5 A. Correct.

6 Q. Who's -- who owns --

7 A. Mahad, my understanding, has had an escape room that he
8 was operating I think in Florida.

9 Q. Orlando?

10 A. Correct.

11 Q. Thank you, Agent Pitzen.

12 That's some of the text message excerpts from
13 exchanges between Abdiaziz Farah and Mahad Ibrahim; is that
14 right?

15 A. Correct.

16 Q. When you reviewed Abdiaziz -- the Cellebrite extraction
17 of Abdiaziz Farah's phone, did you also find conversations
18 with other people involved in the case?

19 A. I did, yes.

20 Q. Is one of those people Abdimajid Nur?

21 A. There was messaging between Abdiaziz Farah and Abdimajid
22 Nur, yes.

23 Q. Thank you.

24 Agent Pitzen, Government Exhibits H-51a through
25 H-51r, are those excerpts of that WhatsApp conversation

1 between Abdiaziz Farah and Abdimajid Nur?

2 A. It is, yes.

3 Q. Was this exhibit prepared in a similar way to the other
4 ones?

5 A. The exact same way, yes.

6 Q. Can you just describe that briefly?

7 A. So the information was queried in the Cellebrite report.
8 It was then copied over for clarity and brevity into this
9 format, the same format that we saw in the last one with
10 Mahad Ibrahim and Abdiaziz Farah.

11 MR. THOMPSON: Your Honor, I'd move to admit
12 Government's Exhibits H-51a through H-51r.

13 MR. IAN BIRRELL: No objection to them being
14 conditionally admitted.

15 THE COURT: H-51a through r is conditionally
16 admitted.

17 MR. THOMPSON: Thank you, Your Honor.

18 BY MR. THOMPSON:

19 Q. You doing okay up there?

20 A. Hanging in there.

21 Q. All right.

22 A. It's been a long time since I've read this much.

23 Q. All right. Well, hang in there.

24 All right. I have up on the screen Government
25 Exhibit H-51a; is that right?

1 A. That's correct.

2 Q. All right. Just to -- just to orient the jury here,
3 this is a different, just to be clear, this is a different
4 chain of text messages; is that right?

5 A. It is. This is a messaging chain between Abdiaziz Farah
6 and Abdimajid Nur.

7 Q. You can see at the top here Abdimajid Nur. That's one
8 of the defendants in this case; is that right?

9 A. Correct.

10 Q. And he's in blue on the left?

11 A. That is correct.

12 Q. And Abdiaziz Farah, once again, is green on the right?

13 A. Correct.

14 Q. All right. First page of Government Exhibit H-51a is --
15 less reading this time -- is a photo. Who is depicted in
16 this photo?

17 A. On the left is Mahad Ibrahim, and on the right is
18 Abdimajid Nur. And that's sent from Abdiaziz Farah to
19 Abdimajid Nur.

20 Q. And then on page 2 there's another couple photos here;
21 is that right?

22 A. There is, yes.

23 Q. And just to be clear, this is May 22nd of 2021; is that
24 right?

25 A. Correct.

1 Q. Okay.

2 A. Again, Abdiaziz Farah texts this picture over to
3 Mr. Nur. This picture appears to depict Mohamed Ismail,
4 Abdiaziz Farah second, Abdimajid Nur, and Mahad Ibrahim is
5 the fourth person there.

6 Q. And the person on the far right?

7 A. My understanding is that is an imam with one of the
8 mosques.

9 Q. Dar Al-Farooq?

10 A. Correct.

11 Q. There's another picture at the bottom of that page. It
12 looks like another -- they took a couple photos; is that
13 right?

14 A. Looks like a very similar photo, yes --

15 Q. Same group?

16 A. -- that came through twice, was messaged through twice,
17 at least.

18 Q. And then there's a weird picture.

19 Can we start reading here?

20 A. Sure. Abdimajid Nur responds to this strange picture,
21 "LOL."

22 Q. "Bro, y'all got him fucked up."

23 A. "It's all right, though."

24 Q. And then Abdiaziz Farah sends an image; is that right?

25 A. Correct. He sends an image to Mr. Nur relating to a

1 bank account that was opened at Absa.

2 Q. And where is Absa Bank located?

3 A. It was in Kenya.

4 Q. In Nairobi?

5 A. Correct.

6 Q. And what's the date on this letter?

7 A. March 11, 2021.

8 Q. Could you read what it says here?

9 A. "Dear sir/madam. Welcome to Absa Bank Kenya PLC. We
10 are pleased to update you with your account details
11 following your recent application. Please note that this
12 information is confidential to you, and you should keep it
13 secure at all times."

14 Q. What's the name on the account -- on the letter that
15 Abdiaziz Farah texts to Abdimajid Nur?

16 A. Capital View Properties Limited.

17 Q. And there's some more information about this bank
18 account opened at Absa Bank; is that right?

19 A. Correct.

20 Q. Bank number, information like that; is that right?

21 A. Correct.

22 Q. What, again, what was the date that this letter was sent
23 about the account -- the opening of the account for Capital
24 View Properties at Absa Bank in Nairobi, Kenya?

25 A. March 11th, 2021.

1 Q. Page 5 of Government Exhibit H-51a.

2 A. Yes. This is a link picture that Abdiaziz Farah sent to
3 Abdimajid Nur, which is a Zillow listing. Zillow is a real
4 estate site on the internet. And this was a listing for a
5 home that appears to have sold in Tiburon, California, for
6 \$20 million.

7 Q. To be clear, not sold to anyone involved in this case;
8 is that right?

9 A. Correct.

10 Q. This is just some -- reading some fancy real estate
11 listings, I take it?

12 A. Correct. Just sending him a picture of a really nice
13 house.

14 Q. There you go.

15 All right. Page 6 of Government Exhibit H-51a,
16 Abdiaziz Farah sends some more photos; is that right?

17 A. He does, yes.

18 Q. And this first one looks like it's a Michael Kors
19 handbag?

20 A. Not an expert in that line.

21 Q. Some sort of bag?

22 A. Some sort of bag.

23 Q. Your wife's also an IRS agent?

24 A. She is, yes.

25 Q. We should ask her.

1 All right. On the bottom of that page, same thing
2 or a similar bag?

3 A. It is, yes.

4 Q. Okay. Page 7 then, Abdimajid Nur starts sending a
5 series of photos; is that right?

6 A. He does. He sends a series of photos of checks written
7 out from Partners in Nutrition.

8 Q. And, again, this is June 2nd of 2021?

9 A. Correct.

10 Q. Let's walk through these checks. The first one here on
11 page 7?

12 A. Yes. This is a check written from Partners in
13 Nutrition, d/b/a Partners in Quality Care, written out to
14 Mind Foundry.

15 Q. That's the ThinkTechAct?

16 A. A d/b/a, yeah.

17 Q. Okay. Check's for \$2800; is that right?

18 A. Correct.

19 Q. The memo line says, Broadway March Adjustment; is that
20 right?

21 A. It does.

22 Q. Do you know what Broadway is?

23 A. Broadway is one of the alleged food distribution site
24 locations.

25 Q. And then on the bottom of page 7, Abdimajid Nur sends

1 another check from Partners in Nutrition to Mind Foundry; is
2 that right?

3 A. Correct.

4 Q. And could you describe the amount of this check?

5 A. Yeah. So this is another check from Partners in
6 Nutrition for \$314,201.03, and in the memo line it indicates
7 Tot Park March.

8 Q. From meals purportedly distributed at Tot Park in March?

9 A. Correct.

10 Q. Page 8 of Government Exhibit H-51a is another check that
11 Abdimajid Nur sends to Abdiaziz Farah on June 2nd?

12 A. It is. Again, this is a check from Partners in
13 Nutrition, written out to Mind Foundry, in the amount of
14 \$12,537.95, memo line Winfield March Adjustment.

15 Q. Okay. So it looks like some additional payment for that
16 month, I take it?

17 A. Right. Yeah. So when they submit claims for the CLiCS
18 application, sometimes they'll submit for a month a claim,
19 and then they'll come back and submit a separate adjustment.
20 It will say like Adjustment 1, and usually it's for
21 additional claims.

22 Q. Usually smaller amounts; is that right?

23 A. The adjustment amounts are usually smaller than the
24 initial claim, because it's just paying the difference
25 between the initial claim and then the higher amount.

1 Q. Okay. Bottom of page 8 here, there's another check from
2 Partners in Nutrition to Mind Foundry for about \$3400,
3 \$3500; is that right?

4 A. Correct.

5 Q. For Success?

6 A. Correct.

7 Q. Page 9. These are, again, all on June 2nd. Abdimajid
8 Nur sends a photo of another check to Abdiaziz Farah; is
9 that right?

10 A. Correct.

11 Q. From Partners in Nutrition to Mind Foundry?

12 A. Correct.

13 Q. For \$242,000 and change?

14 A. Correct.

15 Q. And what's the memo line indicate in terms of what the
16 payment is for?

17 A. Plymouth. Looks like it says April.

18 Q. Is Plymouth one of the sites that they had?

19 A. They did have a site location registered Plymouth,
20 Plymouth Academy.

21 Q. Again, is that Plymouth, Minnesota, or some other
22 Plymouth?

23 A. It's a site location. Plymouth Academy.

24 Q. North Minneapolis?

25 A. Correct.

1 Q. Bottom of page 9, another check?

2 A. Correct.

3 Q. \$18,000, June 2nd, 2021?

4 A. Correct.

5 Q. Page 10. More checks that Abdimajid Nur sends photos of
6 to Abdiaziz Farah?

7 A. Correct.

8 Q. Another Tot Park one; is that right?

9 A. That's what the memo line indicates, yes, for April.

10 Q. And what's the amount that Partners in Nutrition paid
11 Mind Foundry for meals purportedly distributed at Tot Park
12 in April of 2021?

13 A. \$304,065.51.

14 Q. At the bottom, there's another check; is that right?

15 A. There is.

16 Q. For meals at Albright in March?

17 A. That's what the memo line indicates, yes.

18 Q. And what's the amount from Partners in Nutrition to Mind
19 Foundry?

20 A. \$62,689.75.

21 Q. And page 11. It's another check, June 2nd, 2021; is
22 that right?

23 A. Correct.

24 Q. From Partners in Nutrition to Mind Foundry?

25 A. Correct.

1 Q. And \$250,000?

2 A. Approximately, yes. Memo line is written out to
3 Plymouth March.

4 Q. Again, the Plymouth site?

5 A. Correct.

6 Q. Okay. Continuing on page 12 of Government
7 Exhibit H-51a. Abdimajid Nur then sends a screenshot of
8 looks like an email; is that right?

9 A. Yeah, a screenshot of an email, yes.

10 Q. Can you describe this email?

11 A. At the top of it, it -- it looks like it's coming from
12 Mr. Nur going to Abdiaziz Farah, and it references Bet'el
13 Afaan Oromo Church for various dates in March and April.

14 Q. Are you familiar with Bet'el Afaan Oromo Church?

15 A. I am, yes.

16 Q. How so?

17 A. That was another one of the purported site locations,
18 food distribution site locations.

19 Q. Abdimajid Nur then has some conversation or some texts
20 about those claims?

21 A. He does.

22 He says, "Bro, I had sent the Oromo to you on the
23 29th. Or did you want the one for May?"

24 Q. "Can you send May to me, bro. I mean, to Kara, bro.
25 And CC me."

1 A. "Okay, bro. I'll do that, bro. Where you at?"

2 Q. "Headed to Amsterdam now."

3 A. "Okay, bro."

4 Q. Again, that's June 2nd, 2021?

5 A. It is.

6 Q. Did you find other text message exchange between
7 Abdimajid Nur and Abdiaziz Farah about meal counts and
8 claims?

9 A. I did, yes.

10 Q. I'm going to show you now Government H-51b. Is
11 Government H-51b one of those text message exchanges?

12 A. It is.

13 Q. This one looks like the following day, June 3rd of 2021?

14 A. Correct.

15 Q. Again, between Abdimajid Nur in blue and Abdiaziz Farah
16 in green?

17 A. Correct.

18 Q. Okay. Can you describe -- the first thing looks to be a
19 photo that Abdimajid Nur sends; is that right?

20 A. Right. It appears to be some sort of an invoice related
21 to a Minneapolis site and Faribault site.

22 Q. Okay. Are you familiar with invoices like that from the
23 investigation?

24 A. I have seen invoices, some invoices, yes.

25 Q. And these are the types of invoices that were submitted

1 to Partners in Nutrition?

2 A. Correct.

3 Q. Looking at it, it looks like this photo was taken --
4 that Abdimajid Nur sends, is taken on his -- or a picture of
5 it, the invoice in draft form on a computer; is that right?

6 A. That's the way it appears, yes.

7 Q. Okay. And can you describe down below --

8 A. Sure.

9 Q. -- the amounts on the invoice that Abdimajid Nur sends
10 to Abdiaziz Farah?

11 A. Sure. So on line 16 and 17, it indicates the quantity
12 of 62,000; site descriptions of Minneapolis site, Faribault
13 site; unit price \$4.05; and then the line total \$251,100.

14 Q. For each site?

15 A. Correct.

16 Q. What does Abdimajid Nur send -- say after sending that
17 photo?

18 A. He says, "Looks all right?"

19 Q. Abdiaziz Farah responds, "2,000 meals for each site?"

20 A. "Yes."

21 Q. "May is 31 days."

22 Then what happens?

23 A. Then he sends him another screenshot of a similar
24 invoice totaled up for \$502,200.

25 Q. And that's the total -- that's the two sites' total

1 there?

2 A. Correct, the 251,100 summed up.

3 Q. Okay. And up at the upper left-hand corner here on the
4 photo, is there a description of the invoice?

5 A. It says Somali Resettlement Invoice May.

6 Q. And then at the bottom, does it say anything about where
7 the checks -- or who the checks should be made to?

8 A. It says, Make all checks payable to Bushra Wholesale
9 LLC.

10 Q. And that's the company owned by Said Farah and Abdiwahab
11 Aftin?

12 A. Correct.

13 Q. Abdiaziz Farah responds, "Looks good, bro."

14 A. "Okay, bro."

15 Q. "Make sure it says Bushra, not Empire. Hahah. Did that
16 clown Mahad ever send you Plymouth info?"

17 A. "I got it, bro. He called me. We talked, and he'll
18 send it ASAP."

19 Q. "He is wasting time, but okay. Fine. Let him take his
20 time."

21 A. "I'll let you know as soon as I get it from him, bro.
22 Bro. 122,000."

23 Q. "So what's left after taking that out, bro, from
24 yesterday's deposit?"

25 A. "\$1,090,037.77."

1 Q. Abdiaziz Farah then suggests a distribution of those
2 funds?

3 A. He does.

4 Q. 558,000 to Empire Enterprises LLC; is that right?

5 A. That's what this says, yes.

6 Q. "\$248,000 to Empire Cuisine & Market (this check will be
7 deposited to U.S. Bank account, and I will send it to you,
8 bro.) What's left, bro? Do the math for me."

9 A. Abdimajid Nur responds, "\$284,037.77."

10 Q. Abdiaziz Farah then provides a further breakdown of
11 those funds or distribution of those funds?

12 A. He does.

13 Q. "\$200,037.77 to Empire Cuisine & Market (deposit at Old
14 National Bank account) and \$84,000 Nur Consulting, bro, and
15 we will talk about it."

16 Again, Nur Consulting is Abdiaziz -- or Abdimajid
17 Nur's entity?

18 A. Correct.

19 Q. "Get those four checks from Mahad whenever he can or as
20 soon as funds clear, bro. Make sure Plymouth gets their
21 check as soon as Mahad gives you checks, bro."

22 A. "Okay, bro. I'll do that."

23 THE COURT: So it's 4:45. And if you're at a
24 stopping place, or when you get there, I think we can stop
25 for the day.

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MR. THOMPSON: As good a place as any, Your Honor.

THE COURT: All right. Thank you.

So all rise for the jury.

And we'll see you at 9:00 tomorrow morning.

Thanks, everyone.

(Court adjourned at 4:47 p.m., 05-14-2024.)

* * *

I, Renee A. Rogge, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Certified by: /s/Renee A. Rogge
Renee A. Rogge, RMR-CRR