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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,)	
)	File No. 22-cr-124
Plaintiff,)	(NEB/DTS)
)	
v.)	
)	
Abdiaziz Shafii Farah(1),)	Courtroom 13W
Mohamed Jama Ismail(2),)	Minneapolis, Minnesota
Abdimajid Mohamed Nur(4),)	Wednesday, May 29, 2024
Said Shafii Farah(5),)	9:00 a.m.
Abdiwahab Maalim Aftin(6),)	
Mukhtar Mohamed Shariff(7),)	
Hayat Mohamed Nur(8),)	
)	
Defendants.)	
)	

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

JURY TRIAL PROCEEDINGS - VOLUME XXV 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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IN OPEN COURT**(JURY NOT PRESENT)**

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

5 We are on the record out of the presence of the
6 jury.

7 Mr. Mohring.

8 MR. MOHRING: Thank you, Your Honor. Sorry to bug
9 you.

10 The second of the witnesses that we propose to
11 call this morning is Jacob Steen. He is a lawyer that's a
12 member of the law firm that represented Afrique Hospitality
13 Group and Mukhtar Shariff in connection with the Afrique
14 project and process. And we intend to call him to testify
15 about that process and his work on it.

16 Firm counsel is here, Christopher Yetka, and has
17 raised a concern about the attorney-client privilege and
18 whether any of the questioning and information will cross
19 that line.

20 The questions that I have on direct examination,
21 we'll respect that boundary; but in discussions before
22 today's session with the prosecution, they may wish to cross
23 it. And so that is the matter that I'm raising.

24 THE COURT: They may wish to cross --

25 MR. MOHRING: Ask questions that would call on the

1 witness to talk about stuff that will be protected by the
2 attorney-client privilege.

3 I can tell you that, I mean, so the business
4 relationship, the representation no longer exists. We will
5 certainly -- I mean, we will waive that protection if that
6 will help, but --

7 THE COURT: Let me hear from the government and
8 see what they intend to say, and then we will go from there.

9 MR. THOMPSON: Thank you, Your Honor.

10 It's our understanding that counsel intends to
11 call Jacob Steen, who is a lawyer at the Larkin Hoffman law
12 firm, to testify about work he did for Afrique Hospitality
13 in terms of getting zoning permits and similar things
14 related to the construction of this event center in
15 Bloomington.

16 Counsel for Larkin Hoffman, Christopher Yetka, is
17 here and informed us this morning that the attorney-client
18 privilege remains in place and has not been waived and
19 perhaps cannot be waived because Afrique Hospitality Group
20 no longer exists. I'm not an expert in the attorney-client
21 privilege, so I don't weigh in on that.

22 The government's concern, however, is that the
23 obvious line of cross-examination to testimony like this is
24 to inquire about what Mr. Steen was told in the course of
25 his work for Afrique Hospitality Group about the nature of

1 the organization, the plans of the organization, the funding
2 sources for the organization, whether or not he was told or
3 knew that Federal Child Nutrition Program funds were being
4 used or planned to be used to fund this event center and to
5 build out -- and to fund Afrique Hospitality Group.

6 My understanding is the Larkin Hoffman law firm
7 believes those types of inquiries would violate the
8 attorney-client privilege and counsel for Larkin Hoffman
9 would direct Mr. Steen not to answer those questions. If
10 that was to happen, obviously that limits our ability to
11 cross-examine this witness effectively. That's our concern.

12 THE COURT: And, Mr. Mohring, you said you are
13 willing to waive the privilege?

14 MR. MOHRING: Yeah, yeah.

15 THE COURT: Mr. Yetka, you may come forward.

16 MR. MOHRING: My hunch is that once the direct is
17 over, this will not be as large of an issue as it seems,
18 hypothetically; but if it would assist the process,
19 Mr. Shariff understands and is prepared to make a record of
20 waiving the protection.

21 THE COURT: Mr. Yetka.

22 MR. YETKA: Thank you, Your Honor.

23 Mr. Steen was subpoenaed here today, and we raise
24 this question. Here is the issue. We only represented the
25 company Afrique. We did not represent any of the individual

1 defendants.

2 And so in order to have a waiver, we need to have
3 a company representative for an active company to tell us
4 that the privilege has been waived. Afrique Holdings is no
5 longer an active company, and there are no longer any
6 officers who we can obtain a waiver from.

7 With all due respect to the defense, I don't think
8 that they can waive the privilege.

9 And the concern that we have is ethically we
10 cannot talk about conversations that were had in order to
11 get legal advice. If there's general information that they
12 want to ask Mr. Steen about whether he knew, he can testify
13 to that and will testify to that.

14 But the concern I have is to the extent there's
15 any questions asked about individual conversations for
16 purposes of soliciting legal advice on the real estate work
17 that Larkin Hoffman did, that's privileged and we can't
18 testify to that. And that's where I would direct Mr. Steen
19 not to answer, because we have been unable to obtain a
20 waiver privilege.

21 THE COURT: Was Mr. Shariff not an officer?

22 MR. YETKA: At the time he was, yes, but the
23 company is no longer an ongoing concern, so --

24 THE COURT: Well, then there's -- if a waiver is
25 an impossibility, then I don't -- I'm sure this could be the

1 subject of lengthy briefing, but then a waiver is truly an
2 impossibility if there is a defunct company and a former --
3 and you are telling me that you don't think a former officer
4 can waive a privilege on a defunct company.

5 MR. YETKA: I mean, I don't think it's an
6 impossibility. I think the only way you would be able to do
7 it, Your Honor, is to re-form the company, which is
8 possible, with a new group of officers that can speak on
9 behalf of the company and then -- and act on behalf of the
10 company and waive. I mean, that's sort of a hypothetical.
11 I think it's possible, but it hasn't been done here, so --

12 THE COURT: How long ago did you get the subpoena?

13 MR. YETKA: Probably three weeks ago, a month ago.

14 THE COURT: All right. Anything else from anyone
15 here?

16 I think what we'll do is take it question by
17 question and see where we get to. It appears to me that
18 there are probably things that were said that are the
19 subject of cross-examination that weren't necessarily for
20 the purpose of obtaining legal advice, and that may be the
21 way to carve the cross-examination.

22 And given that the company no longer exists, I
23 think I would encourage a little bit of latitude here.

24 MR. YETKA: All right. Thank you.

25 THE COURT: But I'll let the jury know that you

1 are here to represent this witness, who is a lawyer, and so
2 that you can properly object.

3 And perhaps it makes sense to -- we have a dearth
4 of chairs, perhaps, but perhaps it makes sense to try to
5 find one for you so that you are in front of the bar, rather
6 than behind the bar, to do that.

7 Fair enough?

8 MR. YETKA: Thank you, Your Honor.

9 THE COURT: All right. Thank you for being here.

10 MR. MOHRING: This one is --

11 THE COURT: Okay. Terrific.

12 Let's take that question by question. I think
13 that's the way to do it.

14 MR. MOHRING: Okay. Just --

15 THE COURT: Yeah.

16 MR. MOHRING: You are right; Mukhtar Shariff was
17 an officer. He was the chief executive officer of Afrigue.
18 He will waive the protection, like I've said. If there is
19 any blowback from that, it would come to him having done so,
20 but --

21 THE COURT: Mr. Yetka just needs to protect Larkin
22 Hoffman's ethical obligations.

23 Mr. Thompson.

24 MR. THOMPSON: Your Honor, if I may, if we're
25 going to take it question by question, I wonder if we could

1 get some sort of offer of proof of the expected direct
2 testimony, so I could give some thought to the cross,
3 because the obvious line of cross is going to almost
4 immediately raise an issue of attorney-client privilege.
5 And I don't know what he intends to testify to. I haven't
6 seen an interview report or anything like that.

7 THE COURT: Thank you.

8 Mr. Mohring.

9 MR. MOHRING: I'm happy to have that conversation.
10 We have had that, summary versions of that, the prosecution
11 and I, but we can talk about that. I don't want to take the
12 court's or the jury's time with that. Maybe we can do
13 that -- the first witness will take us to break, I believe.
14 Mr. Steen is not the first witness.

15 THE COURT: Okay.

16 MR. MOHRING: And so how about we confer over the
17 break to do that.

18 THE COURT: Okay. Fair enough.

19 Then, Mr. Yetka, I'm going to have you sit behind
20 the bar for the first witness, just so the jury won't be
21 confused, not to kick you out, but --

22 All right. Let's bring in the jury.

23 And then I'll be asking all of you the questions
24 first. Thank you.

25

IN OPEN COURT**(JURY PRESENT)**

1
2
3 THE COURT: Good morning, everyone. You may be
4 seated.

5 The government has now rested its case. I will
6 call on the defendants.

7 Mr. Birrell, for Mr. Farah.

8 MR. ANDREW BIRRELL: Good morning, Your Honor.

9 THE COURT: Good morning.

10 MR. ANDREW BIRRELL: Mr. Abdiaziz Farah rests.

11 THE COURT: Thank you.

12 And, Mr. Cotter, for Mr. Ismail.

13 MR. COTTER: Good morning, Your Honor. Mr. Ismail
14 rests this morning.

15 THE COURT: Thank you.

16 Mr. Sapone, for Mr. Nur.

17 MR. SAPONE: Yes, Your Honor. Good morning again.
18 Abdimajid Nur rests.

19 THE COURT: Thank you.

20 MR. SAPONE: You are welcome.

21 THE COURT: Mr. Garvis. Oh, I'm sorry.
22 Mr. Schleicher.

23 MR. SCHLEICHER: Good morning, Your Honor. Said
24 Farah rests.

25 THE COURT: Okay. And now, Mr. Garvis, for

1 Mr. Aftin.

2 MR. GARVIS: Good morning, Your Honor. Mr. Aftin
3 rests.

4 THE COURT: Good morning. Thank you.

5 And I will skip Mr. Shariff for now.

6 Mr. Brandt or Ms. Kettwick, for Ms. Nur.

7 MR. BRANDT: Good morning, Your Honor. Ms. Hayat
8 Nur rests.

9 THE COURT: Thank you. Good morning.

10 And Mr. Mohring or Mr. Goetz, for Mr. Mukhtar
11 Shariff.

12 MR. MOHRING: Your Honor, we do not rest and would
13 like to call some witnesses today.

14 THE COURT: All right. You may call your first
15 witness.

16 MR. MOHRING: Beginning with Paul Vaaler.

17 THE COURT: Good morning, sir. You are going to
18 come up to the witness stand and stand to take the oath.

19 Good morning. Will you stand before me?

20 DR. PAUL M. VAALER,

21 called on behalf of the defendant Mukhtar Mohamed Shariff,
22 was duly sworn, was examined and testified as follows:

23 THE WITNESS: I do.

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

25 And when you are settled there, please state and

1 spell both your first and last name for the record.

2 THE WITNESS: My name is Paul Martin Vaaler. My
3 last name is spelled V, as in Victor, A-A-L-E-R.

4 THE COURT: Thank you.

5 Mr. Mohring, you may inquire.

6 MR. MOHRING: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MR. MOHRING:

9 Q. Good morning, Professor.

10 A. Good morning.

11 Q. So why don't you start by telling us why you are here.

12 A. I was retained by defense counsel to provide advice, to
13 prepare and write an independent report and to be available
14 to provide information to the court and to the jury about
15 diaspora business and remittance practices in East African
16 migrant communities.

17 Q. Okay. Tell us about your day job. Where do you work?

18 A. My day job is as a professor at the University of
19 Minnesota. I teach, do research and do community outreach
20 at two colleges at the U, at the Carlson School of
21 Management, our business school, and across Washington
22 Avenue, the law school. So I work at two different places.

23 Q. And how long have you been a professor at the U?

24 A. Well, I've been a professor at the U since 2007. I was
25 at the Carlson School alone then. In 2014 I began this

1 joint appointment between Carlson and law.

2 Q. And as a part of your scholarship, have you studied and
3 written about migrant business practices?

4 A. I have.

5 Q. And has that research and writing included research and
6 writing on the topic of East African and Somali business
7 practices?

8 A. It has.

9 Q. So how did you get into this?

10 A. Well, it's a little bit of where you live. Wasn't real
11 estate location, location, location? The Carlson School is
12 right next to what has historically been a migrant
13 community.

14 If any of you have been to the Carlson School,
15 it's on the west bank of the Mississippi and it abuts the
16 neighborhood that's defined by Cedar Avenue and Riverside
17 Avenue. So Cedar-Riverside has for decades, over a century,
18 been a neighborhood that has always welcomed new Americans.
19 And it got me interested in the migrant experience because
20 it's right next-door to me.

21 Q. Let's take a step back. In terms of academic study and
22 credentials, you've been to college?

23 A. I have been to college, yes.

24 Q. Can you tell us about where you attended and what
25 degrees you've achieved?

1 A. So I went to college in Northfield, Minnesota, about
2 40 miles south of here, at Carleton College. And after
3 Carlton -- there I studied history, so I guess that's one of
4 the reasons for the interest in Cedar-Riverside.

5 After that I went to England. I studied for two
6 years at Oxford. And then after that I studied -- and I
7 took a degree there in philosophy, politics and economics.

8 Q. And apologies for interrupting. Was that on a Rhodes
9 Scholarship?

10 A. Yes.

11 Q. Okay.

12 A. So that was for two years. And then I went on and went
13 to law school at Harvard, studied there for three years in
14 Cambridge, and then came back here to practice law, but then
15 I did a final PhD degree at the University of Minnesota, at
16 the Carlson School, and I did that in management.

17 Q. The practice of law didn't suit you?

18 A. Well, it doesn't suit everyone.

19 Q. Okay. So if you can, describe to us how you got from
20 graduating and the degrees you've just described into this
21 area of specialty. Can you tell us a little more about
22 that?

23 A. Well, I've always had an interest in migrants and
24 migration. You know, Minnesota might seem an improbable
25 place for it. I was born and raised here. But Minnesota

1 has always been a welcoming place to migrants, in
2 particular, refugees.

3 There's something about the Twin Cities that has a
4 lot to do with civil society where churches and other groups
5 have been so welcoming to resettling refugees, whether they
6 be, I don't know, Chinese a hundred years ago from the Civil
7 War or Vietnamese and Cambodians in the '60s and '70s or
8 Ethiopians in the '80s, Somalis in the '90s, Liberians last
9 decade, maybe Ukranians now.

10 So I've always had an interest in that, but in
11 many ways, also, it's being next to Cedar-Riverside. I've
12 studied entrepreneurship and how new businesses get started.
13 And one of the things you observe is how migrants there are
14 so active in starting businesses, and that became an area of
15 study for me.

16 Q. Okay. Has your research and study taken you abroad?

17 A. It has. It took me abroad a couple of times. Most
18 recently, it took me abroad to Africa where I spent about
19 seven months in Sub-Saharan Africa.

20 Q. Studying business practices there as well?

21 A. I was studying businesses practices there. I was a
22 Fulbright Scholar at the University of Pretoria, which is in
23 South Africa, and also the University of Limpopo, which is
24 another university in the South African system, close to the
25 border with Zimbabwe.

1 Q. Okay. Have you written in the area of East African and
2 migrant business practices?

3 A. I have.

4 Q. Can you tell us about maybe two or three articles, some
5 of your articles, publications in this, in this field?

6 A. Well, I've been writing about it for about 15 years. A
7 couple of articles that I've written for academic journal
8 publication through a peer-review process, they might be
9 illustrative.

10 One is an article, one of the first I wrote about
11 2011, on migrant remittances and how migrant remittances --
12 that's money sent from individuals to individuals abroad or
13 households -- how it gets used to fund, found and grow new
14 businesses in developing countries, including those in East
15 Africa.

16 Another paper that I wrote on this, again, in an
17 academic journal about 2015, is about how that effect is
18 magnified when the developing country that receives the
19 remittances has a larger informal economy, an economy that's
20 hard to observe and the like, most recently writing about
21 refugees.

22 Q. Have you provided expert input into other cases?

23 A. I have.

24 Q. Can you tell us about that?

25 A. About five years ago I had the opportunity to provide

1 advice in another case involving remittances, a criminal
2 matter, and I believe it was located in Los Angeles, and I
3 provided advice there to counsel.

4 Q. Have you ever conducted or participated in trainings in
5 this area?

6 A. I have.

7 Q. Apart from teaching law students and business students?

8 A. I have. I've had that opportunity.

9 Q. Can you tell us a little about that?

10 A. So over the years, as I've developed this interest and
11 background and expertise, I've had the opportunity to work
12 with a number of different constituencies that are outside
13 the U.

14 Just a couple of examples of it. I've had an
15 opportunity to write training pieces for development
16 professionals at the World Bank in Washington, D.C. Many of
17 them are working in Sub-Saharan African countries with large
18 migrant communities that live outside of them, and they are
19 a really great source of capital and ideas for development.
20 So I've had a chance to talk with them about this phenomena.

21 And I've had a chance to talk with some of the
22 industrial players as well. So money transfer
23 organizations, like Western Union or MoneyGram, they figure
24 really importantly in the transfer of funds. And for many
25 of those executives, they're aware that migrants are part of

1 their business, but not how they might remit differently.
2 So I've had a chance to work with them.

3 I had a chance about five years ago to work with
4 some of the judges and magistrates here in this court. I
5 was invited by the then Chief Judge Tunheim to go to Lutsen,
6 Minnesota, where there's a retreat for judges and
7 magistrates, and I had a chance to talk with them about my
8 research.

9 Q. Research including your research and knowledge of East
10 African business practices?

11 A. That's correct.

12 Q. Thank you.

13 I want to -- I've got some questions, but before
14 we get there, I'd like to have you explain to us some of the
15 concepts and words that you've used.

16 So you mentioned "remittances" and gave us a bit
17 of a definition, but you've used that word several times.
18 Can tell us, when you talk about remittances in this
19 context, what are you talking about?

20 A. Remittances is money, but it's a different kind of
21 money.

22 I study a lot of international business issues;
23 and when you study multi-international business, you often
24 think of multinational corporations like, I don't know, 3M.
25 And when they send money abroad, it's in the form of what we

1 often call foreign direct investment. They build plant,
2 property, equipment.

3 Remittances are different. First, they don't come
4 from companies. They come from people or households. And
5 they're transferred in different ways internationally. And
6 the money that those individuals abroad receives or those
7 households is just vital, not to plant, property and
8 equipment, but to, you know, financing basic household
9 consumption, like food, clothing, education, medical care.

10 Remittances are -- I think it's not overstating --
11 they are a lifeline to some of the least developed
12 countries, including those in East Africa.

13 Q. I don't think you've used the word yet, but I expect
14 that you will. Diaspora.

15 A. Thanks for asking.

16 So "diaspora" and "migrants" are terms we often
17 use, and they're interesting terms. They relate to each
18 other.

19 "Diaspora" is an old Greek term. It actually
20 means a spreading of seeds. And it refers to people who
21 live outside their home country or home culture in some
22 country abroad, but they retain a close connection to the
23 old country. Maybe it's cultural; maybe it's religious;
24 very often it's familial.

25 And, of course, those people are migrants. And by

1 "migrants," I mean people who just don't live in their
2 country of birth or their childhood.

3 Migrants are what make up diasporas. And when
4 diaspora are in -- often they're in geographically, you
5 know, compact areas, like Cedar-Riverside or Minnesota where
6 many East African migrants reside.

7 And we can use another term that's related to it,
8 which is like an enclave. So think of it almost like a
9 fortress, a city within a city. And that's important
10 because there the diaspora does business very often very
11 closely the way they did business back home.

12 Q. We'll get to that more in a bit.

13 You mentioned refugee status and the word
14 "refugee." And I'm wondering if you can talk a little bit
15 about economic versus refugee migration and why that
16 distinction may be important.

17 A. So -- thank you -- a refugee is a migrant who came
18 involuntarily. The U.N. High Commission For Refugees, which
19 is I guess the most important international institution for
20 it, essentially says that if an individual leaves a country
21 involuntarily because of a threat or actual physical harm or
22 discrimination, if they are forced abroad, and then they
23 register with the U.N. High Commission and then with the
24 host country where they've arrived, then they're a refugee.

25 And the reason that's important is because when

1 they leave, it's involuntary, I guess, economic migrants;
2 others sometimes they leave because there are better
3 opportunities. There's a little blur. But refugees are
4 different because they've left under disruptive conditions.

5 Q. And so do the circumstances of their departures from
6 their home countries, refugee migrants --

7 A. That's correct.

8 Q. -- do those have an impact on how they present in now
9 the host country?

10 A. They do in many different ways.

11 Q. Can you tell us about some of those?

12 A. Well, one of them is the conditions that led to their
13 departure are often conditions that are difficult for us in
14 the host country to understand.

15 For example, there's often a breakdown in
16 institutions. There could be civil conflict, which is the
17 case, for example, in Somalia.

18 There could be systemic discrimination in ways
19 that make it difficult for them to do business at all or to
20 do business in the official economy, so they go to the
21 informal economy for it.

22 There's also in those countries typically just
23 what I'll call an institutional incapacity. We're sitting
24 here in the Murphy courthouse. This is incredible; and with
25 all of the resources and expertise in this room, this is

1 exceptional.

2 In less-developed countries, there really aren't
3 courts of law that function or judges that are paid and well
4 supported for that. So what that means is very often
5 refugees leave that country with a fear, ironically, of the
6 government and come there with some of those concerns and
7 also come with at least an experience very often of
8 transacting in the informal economy because of the issues
9 that I described.

10 Q. So I want to ask, before focusing on East African and
11 Somali, the East African and Somali diaspora here and in the
12 upper midwest, to the migrant experience generally.

13 Are there characteristics that are common to
14 migrant diaspora communities in, and if we can, in the
15 United States and --

16 A. So I mentioned one earlier. Very often, when migrants
17 come, they come in groups and they come in bunches.

18 I'm a fourth generation Norwegian American. And
19 my ancestors, Norwegian migrants, would have been in that
20 same Cedar-Riverside community about a hundred or so years
21 ago, and they would have made up a diaspora.

22 It's hard to see it now because of all the
23 buildings, the Cedar-Riverside towers, but nearby is the
24 Norwegian Memorial Church, the Mindekirken. It's over about
25 21st and Franklin. That's a church that served my ancestors

1 and -- because they were together. It's interesting. The
2 church still gives a service in Norwegian. The church's
3 minister is appointed by the King of Norway.

4 And that's I think illustrative of how the migrant
5 experience becomes collective and that people would do
6 business in the whole language in Norwegian and with the
7 same kind of commodities they would find at home. And
8 that's part of the business for it.

9 Q. In terms of the interface between migrant diaspora
10 communities and the host country, the United States in this
11 case, is it common for misunderstandings and
12 miscommunication to develop?

13 A. Yes. It happens very often, in fact.

14 Q. Can you tell us kind of how that plays out, what that
15 looks like?

16 A. Well, more generally, for migrants who come, there's
17 often an anxiety miscommunication both ways. The two sides
18 are unfamiliar with each other. You have new migrants for a
19 new type of government. Sometimes they've left because the
20 home country government wasn't treating them well or was
21 treating them very differently.

22 Also, there's just inherent liabilities of
23 foreignness and newness for it. It's a new language. It's
24 a new set of rules. It's, it's a different way of doing
25 business, of living in the life for them, and that can be a

1 source.

2 In the case of refugees, more generally, what
3 comes with that also is often an experience where government
4 was not a helping hand. It was a grabbing hand. It would
5 sweep through their bank accounts when they had a budget
6 deficit, we would never think of that, or it would single
7 out minority groups for discrimination, and they would leave
8 because of that.

9 So when they arrive, they very well may have some
10 of the very same anxieties that they had from their home
11 country experience.

12 Q. So you've been talking some about misunderstandings on
13 the part of the migrant community about the circumstances of
14 the host country. Do misunderstandings flow in the opposite
15 direction also?

16 A. You know, America is a country of immigrants. I think
17 that was the last book John Kennedy wrote, A Nation of
18 Immigrants. And for every wave of those immigrants, it's
19 been something for essentially the host country government
20 to figure out as well.

21 And we have a great history of welcoming new
22 Americans. Sometimes we don't have a great history of
23 understanding how these new Americans do things differently.

24 And when they don't do things like native-born
25 citizens that have been here for generations, like myself,

1 sometimes what seems irregular can seem also inherently
2 illicit or at least strange and worthy of investigation.
3 And that's often the case with individuals coming from
4 abroad, whether they are Norwegians coming 160 years ago or
5 Somalians coming four years ago or Ukranians arriving today.

6 Q. I want to now start to focus in on East Africans and
7 Somali immigrants, in particular, in the American diaspora.

8 First, can you just describe that diaspora, where
9 it's located, its size?

10 A. Right. So I'll give Somalia as an example. There are
11 about 17 million people that live in Somalia and East
12 Africa. About 1 million Somalis live outside of the country
13 and I guess 12, 13, 14 percent. Just to put that in
14 context, 2 to 3 percent of Americans live outside of
15 America. Maybe 4 or 5 percent of Brits live outside the UK.

16 So why are they there, and why are they in
17 Minnesota? And they're there abroad in countries just
18 surrounding it, often in what were supposed to be temporary
19 refugee camps in Kenya or in Djibouti or in the U.A.E.,
20 they're there because of a long-standing civil war and
21 related strife and famine that have afflicted Somalia for
22 the past, well, almost 40 years. And so they are there.

23 But they're also in other countries around Europe
24 and in the U.S. We have about 60,000 Somalis that live or
25 Somali Americans that live here. About half or a little

1 over half live right here in Minnesota, many in the Twin
2 Cities area, for example, in the Cedar-Riverside community.

3 Q. I want to ask you now and have us talk about some of the
4 business practices in this particular community.

5 You mentioned entrepreneurship, I think more
6 generally, but has your study included a focus on East
7 African entrepreneurship in America?

8 A. It has.

9 Q. Can you tell us about that?

10 A. Well, I've always been interested in how new Americans,
11 how migrants engage, how and why they engage in funding,
12 founding, growing new businesses. And it's really important
13 here.

14 I think new Americans, people who are citizens,
15 but were born elsewhere, they compromise about 14,
16 15 percent of our population today. But about 25 percent of
17 all of our self-run businesses, they come from experience of
18 migrants. So they do a lot of entrepreneurship. They do a
19 lot of new businesses, self-employment.

20 And I think they do that and the research suggests
21 that they do that for a few things. Some of the
22 unfamiliarity that we just discussed. Employers don't know
23 enough about their qualifications for employment in the
24 normal labor market or anxieties on both sides about them,
25 the liabilities of foreignness, even things like whether

1 they have the proper qualifications to work here in the U.S.
2 It's such an important issue. Self-employment is another
3 way to do that.

4 And self-employment, inside of some of these
5 enclaves, actually caters to the migrant's strength. They
6 speak the language. They understand the kind of cultural
7 norms. They know what people want in the way of food,
8 clothing and the like.

9 So when they have an opportunity to work in an
10 enclave like Cedar-Riverside to start their own business,
11 it's attractive. And I think it helps to understand why
12 there's so much migrant entrepreneurship in the U.S.

13 Q. And I think you've been talking about circumstances that
14 are kind of general to the migrant experience. Can you talk
15 about how those play out specifically in the East African
16 and Somali communities?

17 A. So in my studies and in the studies of East African
18 migrants, not just in the U.S., but elsewhere, say, for
19 example, in the U.K., London is an entrepot for East African
20 migrants, they're especially illustrative of what I was
21 describing.

22 There's a term that sociologists use, which is
23 multifocal entrepreneurship, kind of jibberish, but what it
24 really means is that you will often find with an East Africa
25 migrant, they have multiple businesses going at once. It's

1 like the old Ed Sullivan show twirling all of the plates in
2 the air at once. And they do that.

3 So you might find and often find an East African
4 migrant who is employed somewhere, but then there is an LLC
5 they've set up for a night job selling long-distance
6 telephone services elsewhere, and then maybe they have
7 another business on the side that they're developing with
8 others for it. So they do a lot of different things within
9 that enclave community and sometimes outside.

10 Q. You date us with that reference.

11 A. I'm dating myself with that, like your parents talked to
12 you about what the Ed Sullivan show was about.

13 Q. And spinning plates, right?

14 Okay. You talked about entrepreneurship and
15 entrepreneurship, specifically, in the Somali community here
16 in the United States. I want to ask about some other
17 aspects of business practices in that particular diaspora.

18 Your work uses the phrase "transactional
19 informality." And I'm wondering if you can tell us about
20 that and, again, specifically focusing on East Africans and
21 Somalis in the United States.

22 A. Yeah, it's a 25-cent term, coined not by me, but by
23 sociologists. I mean, some of the earliest research on
24 migrants and migrant businesses was in the sociology vein.

25 So "transactional informality" boils down to when

1 we buy and sell things, when we finance things, when we
2 start a new business, there may be a preference for doing it
3 outside the gaze of the government.

4 And by that, I don't mean that it's illegal or
5 illicit. I don't know. You have a garage sale, and that
6 garage sale generates revenue, and that's done outside the
7 gaze of government. Perhaps you don't -- not everyone in
8 the room would declare that on their tax form for it. But
9 it's common, it's accepted, it's legitimate, meaning there's
10 kind of an unquestioned authority to do that for it.

11 And so "transactional informality" means that very
12 often you will see individuals step back and do things
13 without detailed contracts or accounting for it. And
14 there's a price to pay for that. It means you often do
15 business not with just anyone, but with extended family
16 members, community members that share your heritage.

17 There's a trust relationship that you rely on much
18 more than contracts and agreements. There's no Murphy
19 courthouse for their enforcement in the old country, and we
20 bring those experiences to us to the host country.

21 Q. So can you tell a little bit more about how
22 transactional informality developed and displays itself in
23 Somali communities?

24 A. There's a history that goes back millennia or at least
25 one millennia. I mean, if we were here a thousand years

1 ago, financing and commerce throughout the western
2 Mediterranean would have been facilitated by a large ethnic
3 group that are collectively referred to as Maghribi traders.
4 And if you needed to send whatever the equivalent of a
5 thousand dollars would be from a thousand miles to distant
6 relatives in another trading town, you would give it to
7 them. There would be no written contract. There would be
8 no court.

9 They were a trusted group, in fact, almost like a
10 guild. If you ever betrayed that trust, you were excluded
11 from ever doing business in that group again and maybe even
12 your family, even further outside of business in your
13 community. So it was really an all-or-nothing relationship
14 that was tied to shared ethnicity, extended family, a shared
15 community experience.

16 And that in many ways I think describes what many
17 refugees from East African communities bring here. And so
18 maybe it's not surprising that you see much of their
19 entrepreneurship, their new businesses and their financing
20 arrangements done informally, done without all those written
21 agreements and the like.

22 And they rely on those same ties, those informal
23 ties that are trust ties that for them are more than
24 sufficient, in fact, maybe even preferred to written
25 contracts. Your word is your bond. We all say that. They

1 really live that because of that experience.

2 Q. Are there aspects within -- and so you mentioned refugee
3 status in connection with your discussion of a transactional
4 informality. Can you tell us a little more about how those
5 two things interact? So transactional informality among
6 people who are refugees.

7 A. So I hope I'm not going to confuse you with another
8 25-cent term. So transactional informality. There's
9 another term. Transnational positioning. What do I mean by
10 that? I just mean that, especially with migrants, they
11 often have one foot in the host country, the U.S., and
12 another foot still back in the old country.

13 Q. And let me pause you there, Professor.

14 A. Sure.

15 Q. But as a part of your work on this case, did you prepare
16 some diagrams that -- did you prepare some diagrams?

17 A. I did.

18 Q. Start with that. And do those diagrams summarize your
19 extensive research and knowledge about what the diagrams are
20 showing?

21 A. They do.

22 Q. Did you prepare a diagram that is a visual display of
23 migrant transnationality?

24 A. I did.

25 Q. Do you believe that it might help the jury in, as you

1 explain about this, to look at the diagram?

2 A. Yes, I do.

3 Q. As a demonstrative exhibit.

4 Can page 36 please be pulled up for the witness
5 only?

6 A. Thank you.

7 Q. And can you zoom in on the top end of the diagram?

8 MR. MOHRING: And, Your Honor, I would ask leave
9 to publish this as a demonstrative exhibit to the jury to --

10 MR. THOMPSON: No objection, Your Honor.

11 THE COURT: And so this is a demonstrative exhibit
12 that isn't in evidence and won't be back with you in the
13 jury room.

14 You may publish. Thank you.

15 BY MR. MOHRING:

16 Q. Okay. So you were starting to talk about migrant
17 transnationality. You said a 25-cent word --

18 A. Right.

19 Q. -- for what you are talking about? Continue. And if it
20 helps, can you use the Venn diagram there?

21 A. I think it's really helpful to illustrate it for it.

22 So as I was saying, when you talk about
23 transnational positioning, it means literally migrant
24 identity, the relationships they have, the memberships they
25 have in organizations, like a mosque or a community group,

1 extended family, that they're really in both places at once.
2 And that's distinct to the migrant experience.

3 Some of us who are third, fourth generation, we
4 may speak some of the language, visit our cousins, but here
5 it's every day. And what that means is the economics, the
6 institutions, the family experience, the really tugging at
7 each other. Sometimes to their benefit; sometimes a really
8 great challenge.

9 And an example of the benefit would be that many
10 migrants who are entrepreneurs, they have an "in," if you
11 put it, on the ability to bring --import food, clothing,
12 other things that would be quite valuable in that enclave to
13 sell; and because they have that experience, it's easier for
14 them to access those goods and services at home.

15 On the other hand, there are real challenges. A
16 migrant, especially from the East African community, that
17 comes here to Minnesota has an obligation, and it's a
18 sometimes a burdensome obligation, but they take it on
19 willingly, to support their extended family and community
20 members back home, to help bring them over, if that's what
21 they need, or to aid them when they are ill. And that means
22 sending money. That means often visiting and reinvigorating
23 those relationships.

24 In many ways, the East African experience of
25 transnationality is stronger than you would find in any

1 other migrant work because of that obligation they feel and
2 that reinvigoration that happens with frequent communication
3 and transport.

4 Q. Sending money back to the home country is not unique to
5 East African immigrants, right?

6 A. No, it isn't.

7 And I would -- just down the street from us is the
8 major financial institution Thrivent. And so maybe some of
9 you have accounts there, do business there or work there.
10 Thrivent used to be called Thrivent for Lutherans, and
11 before that it was called Lutheran Brotherhood. It was a
12 financial services and insurance company that dates back to
13 the early 20th century. It served Norwegian migrants. And
14 one of the things it did, because every insurance company is
15 an investment company on the other side, is they provided
16 financial services, including remittance services, back to
17 Norway.

18 Q. I want to go back to the notion of transactional
19 informality, the informality characteristic of business
20 practices within the East African community.

21 Are we talking here about dealings among members
22 of the migrant community as far as informality or does the
23 informality extend beyond that?

24 A. It rarely extends beyond it because of the intentional
25 limitation that informality imposes.

1 If we share the same language, we share the same
2 ethic group, clan. It's a term that is used often in East
3 Africa. If we grew up in the same community, it means to
4 some extent there's a cultural information. I know you, I
5 know you, and therefore you know my values, and so we don't
6 need to write an agreement. We trust each other.

7 When that's outside, it's not that there's a fear,
8 but the same cultural assumptions, the same degree of shared
9 heritage, it makes it more difficult. It's one of the
10 advantages, I guess, of the formal economy when it comes to
11 dealing with individuals from host countries who are native
12 born.

13 Q. So in terms of the informal business dealings, you
14 mention verbal agreements.

15 A. So, yes, I did. So we function here under an
16 Anglo-American common law tradition. The court and the jury
17 system are indicators of it.

18 Another indicator is so-called parole evidence
19 rule that says that many of the kind of agreements we make
20 have to have some kind of writing for them. And I guess
21 that's because we need that to verify those.

22 Under other legal systems and under informal,
23 informality, that's not necessarily the case. Under Islamic
24 law, you can make all sorts of agreements by oral agreement.

25 And certainly in an informal system, in

1 Muslim-majority countries, we'll often find that, again,
2 your word is your bond. Even if it isn't officially
3 enforced in a courtroom like we have here, your word is your
4 bond. And exclusion, shunning, is the penalty for breaking
5 that.

6 Q. I want to get to that in a second. But as far as other
7 aspects of the informality of business dealings and how that
8 plays out, can you talk about the role of cash as opposed to
9 other assets?

10 A. So that's a really interesting one.

11 Every business that's new needs to be financed.
12 It doesn't matter if it's from the East Africans or if it's
13 by me for it. And there are different ways that we access
14 capital for it. One way is we borrow money from a bank, for
15 instance; but for many East African migrants, that's out of
16 the question. The Islamic law forbids lending with
17 interest. That's usury. Going far enough back, in western
18 Europe we had some of the same rules. Got rid of them.

19 And so it poses a challenge for how financing
20 occurs, everyday financing that we rely on. You don't open
21 a savings account or you're reluctant to do so in the host
22 country for it. It might be a checking account.

23 You might be reluctant to use common means of
24 payment like a credit card, because credit cards are tied to
25 banks, because they're, at least, they're processed often

1 with interest-bearing accounts. That's how banks make
2 money.

3 And then other types of things. Installment
4 plans. We've probably all bought at some point something
5 where we pay back in installments with interest. And,
6 again, that just isn't part of the system for them. That's
7 tied both to the informal experience. It's also tied to
8 religion and culture.

9 But there are alternatives to that in Islamic law
10 and informal transactions. For example, instead of
11 borrowing money, you might engage with someone else in a
12 profit-sharing venture, so you become a partner, rather than
13 a lender for it, or there are different approaches under
14 Islamic law to essentially cash and carry, when you buy
15 something in cash literally or carry in cash, paying later,
16 but with a markup, a markup that approximates interest, but
17 the terminology isn't used.

18 Q. And so let me -- I want to get back to the financing
19 structures in a bit. But in the transactions and processes
20 that you are describing, is cash -- does cash play a role?

21 A. You know, I wasn't the first to say this, but cash is
22 king with that. Cash is king because of the experience back
23 home. If I were in East Africa, there would be very few
24 things that I could ever buy with my American Express. It
25 would be cash.

1 Cash is also king because of the nature of the
2 alternatives, like, for example, borrowing money over time
3 or using a bank. So you just see more transactions that are
4 funded in cash, often upfront in large, in large sums, sums
5 that will be larger than we might expect. It would seem
6 irregular, but it's not. It's legitimate. It's common.
7 It's accepted.

8 Q. So you've touched on enforcement, but I want to, I want
9 to dial in on that a little bit.

10 The informality of transactions that you've
11 described or verbal agreements between people, between
12 people based on relationships and maybe shared experiences
13 and ethnic status, it seems like a system that could be
14 abused, vulnerable to crime.

15 And so can you tell us about, in the absence of
16 written agreements and things like that and in the presence
17 of verbal understandings and communications, how does
18 enforcement work?

19 A. It does seem--

20 Q. And, first of all, let me ask, Does it work and, if so,
21 tell us how.

22 A. So in my experience, in my research and in my field work
23 for it, the way I think about this is that your word is your
24 bond and the -- what it means is we limit the way we do our
25 transactions, who we do them with, to the individuals I was

1 describing earlier.

2 And then the sanction, the sanction for betraying
3 that trust, whether it's not paying when the understanding
4 was you would or of being extremely late with that for it,
5 is this sanction, which at first glance may seem to us as --
6 I guess it would be difficult to understand, but is to be
7 excluded altogether, sanctioned, maybe -- and this is not my
8 experience, but maybe the experience of Amish people that
9 live here in the United States, in places like Pennsylvania,
10 to violate those norms was to be shunned.

11 There are examples of that not just in East
12 African communities, but other migrant communities,
13 especially historically, especially right here, where
14 essentially violating cultural norms of the community meant
15 they'd be shunned from that community.

16 Norwegian Americans -- I use again that
17 experience. Lutheran Brotherhood came into existence in
18 part because Norwegian migrants wouldn't buy life insurance.
19 They wouldn't buy any insurance. And they didn't because of
20 religious reasons. Matthew 6:34 said, Don't worry about
21 tomorrow; it will take care of itself with God's help; just
22 worry about today. And many Norwegian migrants felt that
23 that meant insurance was against God's laws, so they
24 wouldn't do it.

25 And just think about trying to get a loan without

1 insurance or to try to start a business. Lutheran
2 Brotherhood came into existence because they were able to
3 find a way around that, by having a mutual society, by
4 having to be other members of that community. It was an
5 informal arrangement and a quite lucrative one for them.
6 And you find other examples of that in other migrant
7 communities today.

8 Q. Also enforced by the penalty of exclusion?

9 A. Exactly. If someone were in a rural community and they
10 bought that insurance, the penalty could be shunning from
11 that community altogether, not just them, their family,
12 because it's a violation of their really deeply-held
13 religious-cultural belief.

14 Q. And so in your observations and study, does exclusion --
15 I mean, is it an effective policing mechanism?

16 A. It's one that has worked for a thousand years. So I
17 guess if something is around for a thousand years, it must
18 be pretty effective. And it is.

19 It's the kind of thing that I think we don't
20 understand except for when we have our own family squabbles
21 and suddenly families don't talk to each other again, and
22 that's exactly right, and we all have those.

23 And here it's much more far-reaching because it's
24 not just about your immediate family. In many East African
25 communities, it's the sense of an extended family, almost

1 like a clan, a broad community. So to be excluded from that
2 is in many ways to be excluded from your life, not just a
3 household.

4 Q. So we've talked about transactional informality. You've
5 talked some about transnational positioning and the diagram
6 as it shows overlap between host country practices, migrant
7 status and home country practices.

8 In this collection of -- this business culture
9 that you are describing, can you talk a little bit more
10 about the role and the importance of trust?

11 A. So as I said earlier, trust is so central to business
12 transactions, to financing transactions. There's a whole
13 system, again going back centuries, that moves billions of
14 dollars every year internationally that largely eschews the
15 use of written agreements. It's all trust arrangements.
16 And it's very important especially in East African migrant
17 communities.

18 And I would be happy to describe that system to
19 you, because it's one which is so important right here in
20 the Twin Cities.

21 Q. And so this is a system that accomplishes money
22 transfer?

23 A. That's correct.

24 Q. Transfer of assets?

25 A. Mm-hmm. So, you know, it's a funny thing; the money

1 transfer business was essentially on its knees about four
2 years ago. Western Union, MoneyGram or businesses that
3 were, you know, not in much demand. But the arrival of
4 migrants in many countries, including the U.S., has
5 reinvigorated these companies.

6 They transfer money to and from host countries to
7 home countries. They are especially preferred when the
8 recipient in the home country doesn't have a bank account.
9 And in much of the East African world people are unbanked.
10 They have no bank accounts. So money transfer organizations
11 are a way to do that.

12 So we've probably heard of Western Union or
13 MoneyGram. They're from the U.S. In fact, I think
14 MoneyGram was founded here in Minnesota. But for many East
15 African migrants, that's not the preferred means. Instead,
16 they use an alternative system. They use money transfer
17 organizations that are based on so-called hawala principles.

18 Q. Can you spell that for the --

19 A. Hawala is spelled H-A-W-A-L-A.

20 Q. And what does that word mean?

21 A. Well, it comes from Arabic, and it means two things. It
22 means transfer, but it also means trust, literally the term.
23 And so trusted transfer.

24 And hawala means of transferring money and other
25 things of value are central to the way many East African

1 migrants do business and then fund those businesses both in
2 the host country here, but in the home country as well, as
3 return entrepreneurs.

4 Q. And so can you walk us through how a transfer under that
5 system would work?

6 A. I'd be happy to try and do that, so let me do it by
7 giving you an example. Say I wanted to send money to
8 someone in Mogadishu, if I were a Somali American and I
9 wanted to send money to a cousin back in the Capital of
10 Somalia, which is Mogadishu. It's unlikely that my cousin
11 has a bank account. Only about 25 percent of Somalians have
12 a bank account, right, as opposed to 95 percent here.

13 So I'd go to a money transfer organization, but I
14 would very likely go to one of those that are based on
15 hawala principles. And there are a number here in town,
16 including some really large multinationals that are based in
17 Somalia that do this work.

18 And what I would do is I would go to that place.
19 I would say I would like to send, say, a thousand dollars to
20 them. That individual would take my order, would be -- we
21 might describe him as a hawaladar, a broker.

22 That individual would call or send an email or
23 send a WhatsApp, whatever the latest form of international
24 telecommunications is, to another broker in Mogadishu and
25 say, Pay this individual, that Paul would like to pay the

1 thousand dollars, less the commission. The commission is
2 usually around 4 to 6 percent, which is really competitive
3 with the commissions that are charged by Western Union and
4 MoneyGram, for example.

5 And then it gets interesting because there's no
6 written agreement. The brokers are probably tied together
7 by a common ethnic background, maybe even extended family,
8 like those Maghribi traders.

9 What happens then is a code is given to the
10 sender, me, and to the prospective recipient, my cousin in
11 Mogadishu, and that's maybe sent by WhatsApp or another
12 means. Then the individual comes to that broker in
13 Mogadishu, gives them the code and pays them the money.

14 It's an incredibly efficient means. And other
15 than the fact they use WhatsApp, rather than Maghribi trader
16 today, it's been around forever and it's very competitive,
17 competitive with other banks and other MTOs. That's an
18 example of a transaction, an international financial
19 transaction that is done pretty much only on trust.

20 And this is a big business. My transfer was only
21 a thousand dollars. I think last year somewhere around
22 \$650-700 billion dollars, billion dollars, was sent
23 internationally as remittances; and in East Africa, the
24 lion's share of that would have gone through hawala, the
25 networks.

1 So it's a lifeline because it's the biggest source
2 of foreign capital to places like Somalia or Eritrea or
3 Sudan, South Sudan, these very, you know, benighted
4 countries.

5 Q. You said the biggest source of foreign capital, larger
6 than foreign -- governmental foreign systems?

7 A. It's not even close. There's a chart in my report that
8 would describe it, but I'll just give you a notion of it.

9 You know, essentially remittances not only far,
10 far exceed foreign aid, but they far, far exceed foreign
11 direct investment, that stuff that 3M does. In most
12 developing countries, it's the single biggest foreign
13 capital inflow.

14 And one of the reasons I'm interested in that is
15 because some portion of that gets used not just to finance
16 basic household necessities, like food and clothing, medical
17 care, education, but they're used to fund, found and grow
18 new businesses. I think somewhere around 80 percent of all
19 businesses and most of them informal in Somalia are funded
20 by remittances.

21 So it's a lifeline. It's the best foreign aid in
22 the world because, I guess, what, forgiving here in the
23 courthouse, it doesn't go through government. It goes
24 directly from people to people in a trust relationship, and
25 it does so much more than foreign aid does.

1 Q. So you've described a process, and I want to kind of
2 take the next -- have you take us through the next steps.
3 So you describe a process of how a person, in your example,
4 gave money to a hawaladar here; code is communicated; money
5 is paid in Mogadishu.

6 How does -- so how does that ultimately get worked
7 out?

8 A. Right.

9 Q. What happens next?

10 A. If the payment system seems a little irregular, the
11 settlement system is even more irregular; but, again, it's
12 legitimate, it's common, it's accepted within the community
13 for it.

14 So remember my story. The broker in Minneapolis
15 has now got the thousand dollars, but the broker in
16 Mogadishu is out a thousand or a thousand less the
17 commission. And so over repeated transactions, one person
18 is getting very wealthy in Minneapolis. The other is
19 depleting all their capital in Mogadishu. And capital is at
20 a premium there. It's a very poor country. So they need to
21 settle up. And how they do it, again, depends so much on
22 trust and informality.

23 So there's a couple ways. One would be to take
24 advantage of financial transactional modernity part of the
25 way. Maybe you could wire money from -- using bank accounts

1 from Minneapolis, but not directly to Mogadishu. It's not
2 really there. You would wire it usually to Dubai. It's a
3 city in the U.A.E. It's a kind of financial entrepot, like
4 New York. And there it's, you know, the hawala traditions
5 and the traditions of money transfer are well-known. It's
6 in the Arab/Muslim-majority world.

7 So you get the money there, but you are not home.
8 Right? The broker's not yet replenished. And this is where
9 it gets interesting. Sometimes it will be sent, the final
10 leg, by couriers, people with, you know, suitcases of cash.

11 At other times what will happen is the money gets
12 transformed into something of value there in Mogadishu that
13 the broker can sell. Rice. I'm told that used bicycles are
14 really, or used shoes, are really valuable in that part of
15 the world. So the next boat that's going from Dubai to
16 Mogadishu will have that rice or those shoes or those bikes.
17 The broker will sell them. The broker will be replenished.
18 So there's this last step which might happen that way or
19 would happen with a courier.

20 You know, even here, sometimes wire transfers,
21 even part of the way, aren't possible. And, unfortunately,
22 I think, some of the local, the home country authorities
23 here, federal authorities, they lean on some of the banks,
24 banks here in town that have, say, cash deposits in checking
25 accounts from local hawaladar, and it makes it more

1 difficult for them to do that transacting.

2 So instead what might happen is from Minneapolis
3 to Dubai you will see individuals who are couriers with
4 suitcases of cash. You will see them at the airport, you
5 know, waiting for a plane that goes to Dubai or over to,
6 maybe, to Amsterdam as a stop. And it's all legal.

7 They will report it when they go through TSA.
8 They fill out forms for the Treasury. They check to see in
9 the amounts, you know, if it's over \$10,000. If they don't,
10 they're liable for prosecution, perhaps fine and
11 imprisonment.

12 It seems irregular, right, to see somebody next to
13 you with a big suitcase of cash. It may even seem illicit.
14 It is not. It's part of that culture. In fact, it is a
15 lifeline, and it's legitimate. It is common. It's
16 accepted. And, unfortunately, I think in many ways, to our
17 detriment, certainly to the detriment of these countries, we
18 force this really inefficient way of settling up, but that's
19 how the brokers settle up.

20 Q. And is this -- you've described a system in sort of
21 contemporary terms how it would work if you walk down the
22 street to accomplish this transaction. Is this process,
23 this process, is the system -- how long has it been around?

24 A. It's been around for over a thousand years. Again, it
25 was a way of moving money without actually having you move.

1 And, you know, in a world without a postal system,
2 you had trusted broker networks, like the Maghribi traders
3 and others, and they did it for you because you trusted
4 them. They shared the same background, religious, cultural,
5 and they even put in more trust between them. I mean, just
6 think of the trust between that broker in Minneapolis and
7 Mogadishu. They could betray each other at any time.
8 There's no written agreement. There's no enforcement for
9 it.

10 But as I've mentioned earlier, the penalty is
11 incredible. It's a complete shunning and exclusion for
12 them, maybe even their extended family.

13 Q. So I'd like to take a step back, considering hawaladar
14 and these informal transfers of money, but also just
15 informal business practices and interactions generally.

16 Can those be -- are those misunderstood by the
17 host country, ours, in particular?

18 A. Yes, sometimes they are.

19 To some extent, it depends on the, on the law
20 enforcement authority and/or the agency. I think some
21 agencies in state and federal government do a great job of
22 trying to understand how seemingly irregular practices are
23 part of the migrant experience, the East African migrant
24 experience for it, and others they can be misunderstood
25 maybe.

1 And I think you might think about why. Because if
2 they were, if they were undertaken by native born U.S.
3 citizens, like myself, we have a different set of
4 assumptions, they would seem irregular and I think
5 suspicious. For example, having multiple LLCs, limited
6 liability companies, with those twirling dishes, with
7 different businesses, some of which are active, some of
8 which are inactive, some of which are going to be active,
9 they are planned along the way, and yet they become sources
10 for moving money, say, especially internationally, you know,
11 whether it's to a cousin back home for an informal business
12 or even to others within an enclave right here. So that
13 might seem irregular.

14 The whole idea of, also, of noninterest-based
15 financing. So maybe instead of lending to you, I become
16 your consultant or I become your adviser, and there's a fee
17 that's paid that goes with it. To some extent, that's again
18 an adjustment that the transnational's trying to make.
19 They're trying to reconcile the way things are done back
20 home with the way things they're doing right here today.

21 Sometimes they can reconcile that by being true to
22 both set of values, and sometimes it's hard. You know,
23 those Norwegian migrants started buying insurance for it.
24 And sometimes you will find a migrant from East Africa that
25 will open an interest-bearing account or a mortgage. It's

1 the only way to start a business. They can't do it. But
2 there's at least an attempt by them, and there's a respect
3 for those values when others do it.

4 Q. So I'd like to talk about some specific examples from
5 your scholarship about how these concepts play out in
6 reality. And here I'm, again, focusing on the East African
7 and Somali community in our state.

8 So high-level of entrepreneurship, transactional
9 informality and migrant transnationalism, having ties and
10 connections in both countries, both locations. Can you talk
11 about how all that plays out in terms of business formation?

12 A. So I mentioned earlier that you will often find with
13 migrants, and I think in my experience East African
14 migrants, that they are multifocal. They open a lot of
15 businesses, and they will open a lot of businesses that are
16 then active, and then they're dormant for a while, or
17 they're open, but they're not yet in operation. Maybe
18 there's not the same degree of separation and formality and
19 I guess deliberate intentionality that we have.

20 If I were starting a business, I probably wouldn't
21 start it till I had all the things ready to go, the money,
22 the legal background, the other operations for it.

23 There's more of an improvisational aspect to it
24 here. And maybe that's the kind of thing we see in
25 entrepreneurs more generally, at least that's what we talk

1 about when we're teaching entrepreneurship at the
2 university. To some extent, it is that improvisation. I
3 think with East African migrants you see a lot of that.

4 And some of the indicators are multiple businesses
5 that are opened up, small businesses, LLCs, not big
6 corporations and the like. And an example, again, might be
7 an LLC that's dedicated to selling, I don't know,
8 long-distance telephone cards to Mogadishu or Somalia or to
9 Eritrea or some other place. That's often the only way to
10 engage. And you are down at the community center at night.
11 You know, you are not -- there's no annual report for this.
12 It's a small business. It's informal.

13 Maybe even businesses that you've opened up, maybe
14 to set up a restaurant and to do it with ethnic foods from
15 the home country, and you are not yet there, but, you know,
16 sometimes money goes through that to, say, for example, go
17 to a cousin back in Asmara, the Capital of Eritrea, to fund
18 a completely unregistered, and you might say technically
19 illegal, but completely legitimate, car repair business.

20 And so maybe there's less of a respect for the
21 corporate forums than we would have, certainly if I were in
22 corporate law at the law school, but that's part of the
23 migrant experience. It's not inherently criminal -- that's
24 the way I think about that -- in their own cultural values.

25 Q. We talked about miscommunication and misunderstanding.

1 Is the phenomena, the practices that you are describing, is
2 there a risk that what you are talking about can be seen
3 from the outside as a shell?

4 A. We think of, if we think of a shell company -- or I
5 think of it as a company that's set up for perhaps one
6 operation, but just doesn't have that operation at all, kind
7 of not elsewhere classified for it.

8 And maybe an example for that would be like that
9 LLC that's opened up for the restaurant down the road, it
10 just doesn't exist yet and very often was a --
11 entrepreneurship is also called Failure 101. You open up
12 the -- a lot of businesses fail, more than succeed. And it
13 gets used for other things.

14 So that's an example where maybe your shell
15 company is the -- facilitates other kinds of transactions,
16 and they're just not -- you know, it may seem to us
17 irregular, but it's not in that community. It's common.
18 It's accepted. It's legitimate. It's part of the East
19 African migrant experience.

20 Q. So you've been talking about -- or we're talking about
21 business formation and ways that these circumstances play
22 out in terms of business formation.

23 I want to now ask the same set of questions about
24 business financing, and I'm wondering if you prepared a
25 diagram that may help us understand that.

1 And if we can, just for the witness, show page 49,
2 please. And if we can zoom in on the upper part.

3 A. Excuse me.

4 Q. Same questions, Professor. Is this a diagram that you
5 prepared --

6 A. It is.

7 Q. -- that summarizes -- does it summarize your extensive
8 knowledge and research into what the diagram is talking
9 about? Financing.

10 A. It does.

11 Q. And do you believe that it would assist the jury in
12 understanding what it is that you'd like to explain that I'm
13 asking about?

14 A. I do.

15 MR. MOHRING: With that, I'd ask leave to publish
16 this as a demonstrative exhibit, not for admission into
17 evidence.

18 THE COURT: Any objection?

19 MR. THOMPSON: No objection.

20 THE COURT: It may be published.

21 BY MR. MOHRING:

22 Q. Okay. So, Professor Vaaler, the question is, How do
23 everything that we've been talking about, how does that play
24 out in terms of business financing in the host country here
25 in the United States for East African --

1 A. So for East African migrants, in particular, but
2 migrants that may come from Muslim-majority countries, more
3 generally, as I said earlier, some forms of business
4 financing that we would just seem as obvious, a bank loan,
5 because they involve interest-bearing accounts and interest
6 payments would be prohibited, at least from their cultural
7 values, back to Islamic law and the prohibition of usury for
8 it.

9 And so this diagram summarizes different
10 alternatives to that type of financing that we might look
11 through from lending. And one example I've already noted;
12 engaging someone not as a lender, but as in a profit-sharing
13 agreement or even as a partner. I guess the difference is
14 in profit sharing you get a piece of the profits; if you are
15 a partner, you share in the profits, but you also share in
16 the losses.

17 And there are other forms of, some of the other
18 forms that are summarized here approximate like a lease,
19 like you lease the money. A payment is made, but it's maybe
20 made at the end of the time of this interest-free loan for
21 it.

22 Or even bonds. There's an Islamic bond, a sukuk,
23 which is -- it's really convertible. And from a bond that
24 leads to a single payment, but could be converted into like
25 an equity interest. So maybe like a convertible bond into

1 stock, that type of thing.

2 These are all workarounds in Islamic finance to
3 let those who are respectful of those cultural-religious
4 values carry out the kind of businesses that we just take
5 for granted, at least financing transactions of those
6 businesses.

7 Q. And so these forms of financing, are these things that
8 happen?

9 A. Absolutely. They account for billions and billions of
10 dollars in transactions every year around the world. And
11 they're the basis for arrangements in many enclave
12 communities, that is, among migrants and a diaspora that has
13 some geographic compactness so that they do business with
14 each other.

15 Q. And does that include the Somali, the Somali community
16 in Minnesota?

17 A. Yes. In fact, I think it's a great illustration of
18 that.

19 Q. And so these financing agreements that you've outlined
20 in this chart, would those also be subject to the
21 transactional informality that you've talked about? Would
22 these be the subject of verbal agreement?

23 A. Yes, they are. Again, under Islamic law, we can
24 establish a contract for a lot of different things by just
25 being present at one another and saying "yes" to another or

1 indicating assent for it.

2 Is it preferred to have something written under
3 Islamic law? It makes it easier for us to understand it,
4 but it still goes without saying that in an oral agreement
5 your word really is your bond for so many other things that
6 we would demand some writing for.

7 Q. So you've described a situation of financing structures
8 that may be entirely unwritten. Is that, is that fair?

9 A. They could be. Some of those are a little bit more
10 difficult to describe. I don't think I would want to
11 describe orally a sukuk bond, for example, for it, but many
12 of these are the basis for relatively simple informal oral
13 agreements. We're going to be partners together, so let's
14 be partners. That would be the example.

15 Q. Okay. So in what you've described now, moving just
16 thinking about financing structures, business formations
17 too, but the conduct of business within the Somali diaspora
18 communities, the next area that I want to ask about are, Do
19 these things present regulatory issues and challenges from
20 each perspective, the Somali community looking out, the host
21 country looking in?

22 A. Yes, they do.

23 Q. And can you tell us about -- what are some?

24 A. Well, I just described earlier remittance transactions
25 and how remittance transactions often go through this hawala

1 system where it involves brokers and the like for it.

2 So from the standpoint of many host countries, for
3 that matter home countries, that presents a challenge
4 because when they're unregulated, then they could be misused
5 for money laundering purposes. And there are experiences,
6 including experiences here in Minnesota, where that's
7 occurred.

8 The kind of hawala-based money transfer
9 organizations I'm talking about are very heavily regulated,
10 and here in town, regulated at the federal level through,
11 for example, the Treasury, regulated at the state level. I
12 think the State of Minnesota just passed a new kind of money
13 transfer modernization law, which is for licensing purposes.

14 So there's different layers of that; and if you
15 want to get into that business, then you need to be very
16 cognizant of what those rules are. Some of them can be
17 really quite complex.

18 More broadly, though, the migrant experience has
19 always been about how to deal with the maze of regulations.
20 Very often, for example, refugees are here on a permit basis
21 until the civil strife that brought them here is gone, and
22 then they are expected to be returned or re-fooled, as they
23 would say.

24 So it presents challenges for simple things like
25 getting work, going to an employer and saying "employ me,"

1 and the employer looks and sees that they're not necessarily
2 a permanent resident for it. Other things, registering for
3 benefits and the like are so much more difficult.

4 There's a researcher who writes about this at
5 Georgetown, says it's kind of Kafka's bureaucracy for the
6 migrant. And I think it's also a challenge for many federal
7 and state agencies. I think some understand that and try to
8 understand it better than others.

9 The Small Business Association in Washington that
10 provides loan guarantees for businesses, they have programs
11 just for migrants because they know how important they are
12 to developing small businesses, the backbone of the economy
13 for it.

14 The State of Minnesota has an office for new
15 Americans where what they try to do is help both new
16 migrants that are coming, new Americans, wherever they may
17 come from, but often from East Africa, to understand what
18 their opportunities are, what kind of help they might need
19 and also to help employers. The office I believe is part of
20 the Department of Employment, Economic Development and
21 Employment. So it's trying to do this on both sides. I
22 think they do a better job than some other agencies.

23 Q. I want to hit pause for just a second. You mentioned
24 money laundering.

25 And so I want to ask, Was analyzing the evidence

1 in this case and offering opinions about the charges that
2 have been brought in this case a part of the research and
3 work that you did?

4 A. No, it was not.

5 Q. Okay. You've been talking about regulatory challenges
6 in the interface between the host country and migrant
7 communities generally, this migrant community, in
8 particular.

9 Are their patterns in the ways that migrants --
10 and now, if we can, let's focus in on East African and
11 Somali migrants -- patterns in the way they address
12 regulatory challenges, the Kafkaesque bureaucracy that you
13 are talking about?

14 A. Yes, there are trends, trends that I've observed in my
15 research and what I've observed with others who do research
16 in this area.

17 Q. Can you tell us about those trends? What does that look
18 like?

19 A. Let me give you a couple of examples for it.

20 So a migrant comes to a new community, like the
21 Twin Cities, and very often they come, if they're a refugee,
22 they come with very little and other than themselves and the
23 kind of skills that they have for them.

24 They may also in this context come with
25 relationships to extended family or community members that

1 are already here. It's one of the reasons why diasporas
2 form enclaves. They follow each other.

3 When the migrant arrives, it's not the end of the
4 story. It's not even the beginning of the end. It's kind
5 of the end of the beginning, because now they need to be
6 resettled. They need to find work, households, child care
7 and education, if they are bringing their family with them.

8 And the migrant experience, especially in an
9 enclave setting, especially in an East African enclave
10 setting, is really about finding people in the community who
11 can help guide them. They speak the language. They share
12 the same traditions, and they have the same kind of social
13 understanding. I was there; I know what it's like.

14 And so they would seek them out in places that
15 they may seek them out in order to find those services, to
16 find that opportunity, to build a new life in the new world,
17 to avoid the -- I'll call them the regulatory, you know,
18 footfalls that go with it.

19 They'll go to community centers, the Eritrean
20 Community Center in St. Paul, a number of Somali community
21 centers here in town, for advice. Who should I go to? Who
22 might be good consultants for that, a lawyer or an
23 accountant? Or just a well-known individual in the
24 community that the reputation to have "made it" on that.

25 And we can all think of kind of individuals who

1 even in the Somali community in a generation have risen up
2 in business or in the arts or in politics. They become
3 really important individuals, not just to, as I said, use as
4 a role model, but to literally consult. So that's one
5 example.

6 And even some host countries -- or home countries,
7 so not Somalia --

8 Q. Before you lose that one. So in those consulting
9 relationships, are those sometimes compensated?

10 A. I'm sorry. Say again?

11 Q. In those consulting relationships that you are
12 describing, people looking to people who have already been
13 there, who have already navigated whatever it is that's
14 being navigated, getting a, getting a driver's license or a
15 form of identification, is that assistance sometimes paid
16 for? Is it compensated?

17 A. Yes.

18 Q. Okay. I interrupted you.

19 A. What I was going to say is that even home country
20 governments get into the act on this.

21 In St. Paul there's a Mexican consulate. And, of
22 course, we have many Mexican Americans and new Mexican
23 Americans and Mexican residents and other Mexican migrants
24 that are here. It's part of the geography. The consulate
25 provides a lot of those services as well.

1 You've got to have money to fund that kind of
2 operation in foreign service. So many of the countries in
3 East Africa don't have that, so the equivalent is the
4 community itself. It becomes so important for guidance.

5 Q. You talked about governmental entities that are better
6 at navigating this interface than others, and you mentioned
7 the Small Business Administration as an example of that.

8 Do primers on East African business practices
9 exist for people who want to learn more about them?

10 A. They do.

11 Q. Training materials, trainings?

12 A. Absolutely. I've written some of them and published
13 them for use in trainings with, say, for example,
14 international development professionals at the World Bank
15 and other international organizations.

16 Q. Are there trainings that would be available to law
17 enforcement?

18 A. Yes, there would be.

19 Q. Okay. The last set of questions that I have are --
20 first, take a step back now. We've been talking about some
21 specific circumstances within the Somali community and the
22 East African community here in Minnesota.

23 But I'm wondering if you can just talk more
24 generally about the benefits of entrepreneurship, in
25 particular, and migration in general to the migrants,

1 migrants in the migrant communities first?

2 A. Well, let's start with migration or probably with
3 entrepreneurship.

4 As I said earlier, small business formation,
5 growth and the like, funding, is the backbone of the U.S.
6 economy. And it's so important particularly in areas like
7 Minnesota and like -- you know, we're not exactly Silicon
8 Valley. And Silicon Valley has its own dynamics that are
9 around technology. Incidentally, that involves many
10 migrants as well, often from South Asia.

11 But because, as I said earlier, because of
12 necessity, because of opportunity, migrants and especially
13 migrants from -- migrants as entrepreneurs bring so much in
14 the way of innovation, invention. And they're a source of
15 immediate employment, and that employment is often for
16 individuals in that same community, the ones that are
17 hardest for us sometimes to originally place.

18 It's not just what they do here in the host
19 country and why I think, for example, certain federal
20 agencies understand that and try to support that. It's an
21 incredible foreign aid program because those businesses,
22 that success of -- by migrants here often translates back
23 home.

24 I described in my report different forms of
25 migrant entrepreneurship. A couple of them have benefits

1 that run both ways. A transnational entrepreneur, migrant
2 entrepreneur essentially is like an arbitrageur. They bring
3 those goods that are ethnic from the home country, bring
4 them here and sell them in this enclave to individuals who
5 look for them. And it's a part of their existence. It's
6 profitable.

7 And it runs the other way. They may find
8 manufactured goods which are in great, you know, really
9 scarcity back home, and they can bring them back there.
10 Those bicycles, for example, for it.

11 And even there are return entrepreneurs. They
12 become successful here, meaning they survive. They find a
13 way to build a new life, and they feel an obligation and
14 they see an opportunity, frankly, back home.

15 So when I studied remittances, that is, money that
16 was sent back often to fund, found and grow new businesses,
17 I only told part of the story. The other is the idea.

18 So a migrant who finds and is successful in a car
19 repair business in Cedar-Riverside also understands what
20 that opportunity is back in Mogadishu or Asmara or in
21 Djibouti. And those businesses, however small, however
22 informal they might be, are not just the backbone of growth.
23 They are a source of survival. They are about skills
24 transporting.

25 So entrepreneurship, especially migrant

1 entrepreneurship, is incredibly beneficial to both the host
2 and the home country. That's something I've learned in this
3 research.

4 Q. Thank you, Professor. I have no further questions at
5 this point.

6 THE COURT: Does any defense counsel wish to
7 examine?

8 All right. Do you have a cross?

9 MR. THOMPSON: Yes.

10 THE COURT: All right. Then let's take a morning
11 break, and we will be back at 10:45.

12 All rise for the jury.

13

14

IN OPEN COURT

15

(JURY NOT PRESENT)

16

THE COURT: You may all be seated.

17

Mr. Mohring, would you come forward.

18

And, Mr. Yetka, you as well.

19

Let me just -- I want to return to the issue of

20

the next -- I think it's the next witness and the

21

attorney-client privilege.

22

My understanding is that no one is asserting

23

attorney-client privilege on behalf of the company. In

24

other words, there is no one from the company here who is

25

asserting the privilege.

1 Mr. Yetka, am I correct on that?

2 MR. YETKA: That is correct, Your Honor.

3 THE COURT: All right. And so --

4 MR. YETKA: And the concern I have, Your Honor, is
5 even if it's -- I mean, the privilege exists whether
6 somebody is affirmatively, you know, asserting it or not. A
7 lawyer cannot waive the privilege.

8 THE COURT: No, the lawyer cannot waive the
9 privilege, but a judge can determine that it is waived.

10 And the law here, as I've been able to find it in
11 this brief interlude, is a little bit unsettled, but I have
12 some authority here that I want to share.

13 There's been no motion to quash the subpoena?

14 MR. YETKA: Correct.

15 THE COURT: There's been no motion to refine the
16 subpoena?

17 MR. YETKA: Correct.

18 THE COURT: All right. And, Mr. Mohring, can you
19 bring your client forward?

20 Mr. Shariff, are you -- you were the CEO of
21 Afrique Hospitalities, am I correct?

22 DEFENDANT MUKHTAR MOHAMED SHARIFF: Yes, Your
23 Honor.

24 THE COURT: And am I correct that Afrique
25 Hospitalities is the only Afrique entity that we're -- that

1 was formed?

2 DEFENDANT MUKHTAR MOHAMED SHARIFF: That's
3 correct.

4 THE COURT: With the name of Afrique?

5 DEFENDANT MUKHTAR MOHAMED SHARIFF: There was
6 Afrique Holdings briefly after, but Afrique Hospitality
7 Group is the one concerned.

8 THE COURT: And when you retained a law firm to
9 assist you, was that for both entities or just one?

10 DEFENDANT MUKHTAR MOHAMED SHARIFF: Just one.

11 THE COURT: Okay. And that was Hospitalities?

12 DEFENDANT MUKHTAR MOHAMED SHARIFF: That's right.

13 THE COURT: Okay. And you were the CEO?

14 DEFENDANT MUKHTAR MOHAMED SHARIFF: Yes.

15 THE COURT: When was it dissolved, approximately?

16 DEFENDANT MUKHTAR MOHAMED SHARIFF: Probably the
17 end of 2022.

18 THE COURT: Okay. And you understand that that
19 entity has a privilege with the attorney who is going to
20 testify here today, or at least there is a privilege in your
21 communications with him that were made for the purpose of
22 obtaining legal advice?

23 DEFENDANT MUKHTAR MOHAMED SHARIFF: I do, Your
24 Honor.

25 THE COURT: Your lawyer has explained all of that

1 to you?

2 DEFENDANT MUKHTAR MOHAMED SHARIFF: That's right.

3 THE COURT: Are you willing to give up that
4 privilege and waive it?

5 DEFENDANT MUKHTAR MOHAMED SHARIFF: Yes I am.

6 THE COURT: Okay. So here's what I have found.

7 And, Mr. Yetka, you can tell me if you object.

8 But my conclusion would be that this is a waiver
9 of the privilege or that the privilege did not survive the
10 dissolution of the company.

11 The case that I'm reading from is *SEC versus*
12 *Carrillo*. It is an unpublished case, but it summarizes some
13 law. It's, I think, Southern District of New York 2015.

14 MR. THOMPSON: We have the case, Your Honor. I
15 handed it to Mr. Yetka.

16 THE COURT: Well, we found that independently,
17 didn't we?

18 MR. THOMPSON: One of my more recently-educated
19 colleagues found it, Your Honor.

20 THE COURT: And so the Fourth Circuit has
21 characterized the issue as an unsettled legal question and
22 that courts are split, but that the weight of authority
23 holds that a dissolved or defunct corporation retains no
24 privilege. There are a number of reasons for that.

25 First, the interests that are furthered by the

1 extension of the privilege beyond the death of the corporate
2 does not apply -- of a natural person doesn't apply in the
3 context of a corporate entity.

4 There's no tradition of the privilege surviving
5 the demise of a corporation.

6 In addition, as a practical matter, there's no one
7 who can speak for a defunct corporation in order to assert
8 the privilege. We have no one doing that here.

9 And, finally, limiting the duration of the
10 attorney-client privilege to the life of the corporation is
11 consistent with the principle that the privilege is to be
12 construed narrowly because it withholds relevant information
13 from the judicial process.

14 And I think that last point is really the point
15 that guides me here in determining that the attorney-client
16 privilege is not going to limit the testimony of the former
17 attorney for Afrique.

18 Can you remind me please of his name?

19 MR. MOHRING: The lawyer?

20 MR. YETKA: Mr. Steen.

21 THE COURT: Steen. Thank you. I apologize.

22 And so I am determining that Mr. Steen can
23 disclose attorney-client privilege determinations based on
24 everything that we have just discussed in the courtroom
25 here, based on my reading of the law and the practical

1 considerations of the attorney-client privilege.

2 And, Mr. Yetka, I know you are counsel for the
3 firm, right?

4 MR. YETKA: Yes.

5 THE COURT: Yes. And so you are here to make sure
6 that you do not run afoul of your ethical obligations, and I
7 think my ruling should satisfy that. Fair?

8 MR. YETKA: It does, Your Honor. And I will let
9 Mr. Steen know that. I mean, obviously, we don't want to
10 waive the privilege. If the court is ordering that the
11 privilege is waived, then we have a comfort level then from
12 our ethical standpoint, Your Honor.

13 THE COURT: I am ordering that the privilege is
14 waived for all of the reasons that we've just discussed,
15 including Mr. Shariff's waiver. Okay?

16 MR. YETKA: Thank you, Your Honor.

17 THE COURT: All right. Thank you, everyone.

18 We will return at 10:45.

19 THE CLERK: All rise.

20 (Recess taken at 10:33 a.m. till 10:48 a.m.)

21

22 **IN OPEN COURT**

23 **(JURY PRESENT)**

24 THE COURT: You may all be seated.

25 And, Mr. Thompson, cross-examination.

1 MR. THOMPSON: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. THOMPSON:

4 Q. Good morning, Dr. Vaaler.

5 A. Good morning.

6 Q. How are you?

7 A. I'm fine. Thank you.

8 Q. I want to begin by talking a little bit about the nature
9 of your testimony. Okay?

10 Now, you are here today testifying about the
11 research you've conducted; is that right?

12 A. That's correct.

13 Q. About business practices in the East African immigrant
14 community?

15 A. Well, diaspora business and remittance practices in East
16 African migrant communities, yes.

17 Q. So businesses for largely immigrants here in the
18 United States, correct, from East Africa?

19 A. Well, yes.

20 Q. Okay. You are not here, to be clear, to testify about
21 the charged fraud scheme; is that right?

22 A. If I were to say, is the evidence was outside of the
23 scope of my work. I did not review evidence related to
24 that.

25 Q. In other words, you don't know what was charged in terms

1 of the fraud scheme here; is that right?

2 A. I think I read the indictment, and I think that's about
3 the extent of it.

4 Q. You haven't reviewed the evidence?

5 A. I have not reviewed the evidence.

6 Q. You haven't looked at the, say, the meal counts that
7 were submitted, correct?

8 A. You know, let's just get right to it. There are
9 terabytes and terabytes of information. I haven't gone
10 through that. So the answer to that would be "no" and
11 probably to many other questions along those lines.

12 Q. You haven't gone through any of it, not just terabytes.
13 You haven't looked at any of the evidence here, correct?

14 A. No.

15 Q. So you don't know anything about the charged fraud
16 scheme, correct?

17 A. That's correct. Just what I read in the indictments and
18 only what I see in the paper.

19 Q. So you are not offering any sort of opinion about the
20 defendants' guilt as to the charged fraud scheme; is that
21 correct?

22 A. That's correct.

23 Q. Similarly, you aren't offering any opinions about the
24 defendants' guilt with respect to the money laundering
25 charges; is that right?

1 A. That's correct.

2 Q. You haven't looked at any of the evidence of money
3 laundering in this case?

4 A. As I said, I have not looked at the evidence outside the
5 scope of my work.

6 Q. So you haven't looked at any of the -- you talked about
7 businesses that are created, LLCs. You haven't looked at
8 any of the LLCs that were created in this case?

9 A. That's correct.

10 Q. You talked about money being sent abroad, correct?

11 A. That's correct.

12 Q. You haven't looked at any of the evidence of money being
13 sent abroad by these defendants; is that right?

14 A. That's correct.

15 Q. And you have no opinion as to whether or not they
16 committed money laundering?

17 A. No informed opinion. Not at all.

18 Q. Okay. So I want to talk about what you did testify to
19 then.

20 A. Okay.

21 Q. First off, you talked about remittances; is that right?

22 A. That's correct.

23 Q. And remittances -- and I've read your report. And
24 you've done research in this area; is that correct?

25 A. That's correct.

1 Q. And remittances, I think you've defined them as small
2 financial transfers, either individual to individual or
3 household to household; is that right?

4 A. That's correct.

5 Q. So an example might be an immigrant to the United States
6 sending money home to a brother or parents, family in their
7 home country; is that right?

8 A. That's a great example.

9 Q. And, typically, the examples you've given are like 200
10 or \$300 a month, correct?

11 A. Yes, that's correct.

12 Q. These kind of remittances that you talk about are often
13 regular, correct?

14 A. Yes.

15 Q. You send a portion of your paycheck home to your family
16 to support them.

17 A. That would be one example.

18 Q. Okay. And you've talked about many of those
19 remittances -- I think you called them a lifeline; is that
20 right?

21 A. That's correct; I did.

22 Q. It's a lifeline to your family back home, correct?

23 A. A lifeline to the family back home, a lifeline to
24 communities, because the families really are those
25 communities often in rural areas, yes.

1 Q. In rural areas helping them support basic day-to-day
2 necessities, correct?

3 A. In large part, yes.

4 Q. Food?

5 A. Yes.

6 Q. Shelter?

7 A. Yes.

8 Q. Clothing?

9 A. Yes.

10 Q. Medical care?

11 A. Yes.

12 Q. Now, you understand, or maybe you don't, that that's not
13 the evidence in this case, correct?

14 A. I wouldn't have an opinion about that. I haven't
15 reviewed the evidence.

16 Q. So this case does not involve those kind of small \$300
17 remittances sent back on a monthly basis. You understand
18 that?

19 A. I guess I wouldn't be in a position. Again, I haven't
20 reviewed the evidence, other than I think I looked at the
21 indictment.

22 Q. Okay. You talked about in your research and I think in
23 your testimony that some portion of these kind of small
24 remittances often go to support investment in the home
25 country; is that right?

1 A. They go to investing. They go to funding, founding and
2 growing businesses, often household businesses. Some,
3 particularly from refugees, go to often to building or
4 rebuilding community infrastructure, like water or
5 sanitation, electricity.

6 Q. You talked about household businesses; is that right?

7 A. That's very often household businesses.

8 Q. I think in your report you referred to them as
9 microbusinesses?

10 A. They can be. They are very often small businesses run
11 informally outside the right -- with the household or
12 outside the back door of the household.

13 Q. What's an example of a microbusiness?

14 A. So, for example, you might see money that goes back; and
15 in certain areas, when I was in South Africa, for example,
16 you'd sell hair care products out of the back door of your
17 home for the local village for it.

18 Another might be -- I mentioned the car repair.
19 Very often that's very important because automobiles are in
20 short supply.

21 A third might be a household that has a truck
22 that's bought with remittances, and normally it does work,
23 say, to assist with the farm; but in the night it becomes a
24 taxi. That's an example of informal small microbusinesses.

25 Q. These are small businesses, correct?

1 A. That's correct. Mostly.

2 Q. And micro -- often they have maybe very few employees,
3 correct?

4 A. It might be just the household employees.

5 Q. Okay. Little capital?

6 A. Of necessity.

7 Q. Okay. Often not formally incorporated?

8 A. Often not formally incorporated, yes.

9 Q. Now, you understand that that's not what the evidence is
10 in this case, do you?

11 A. Again, I've reviewed the indictment for it. The rest of
12 it would be speculation. I didn't review the evidence.

13 Q. You would agree, though, that, for example, sending
14 millions of dollars to build an apartment building in Kenya
15 wouldn't qualify as a microbusiness, correct?

16 A. It probably wouldn't.

17 Q. Okay. All right. You gave, you gave examples of
18 immigrants that might send these types of remittances home
19 in your report; is that right?

20 A. That's correct; I did.

21 Q. For example, you've given an example of a young
22 immigrant who works at a halal butcher shop during the day,
23 correct?

24 A. Yeah. It was a stylized example just to illustrate the
25 point.

1 Q. And at night selling calling cards at a community
2 center, I think you said, something like that?

3 A. That's correct; I did.

4 Q. Now, again, in this case you understand that's not what
5 the evidence is, correct?

6 A. Once again, without being -- I don't mean to repetitive,
7 but I've reviewed the indictment. The evidence is outside
8 the scope of my engagement.

9 Q. Okay. But you would agree that someone sending millions
10 of dollars abroad wouldn't be consistent with that sort of
11 example, correct?

12 A. I don't think they're the same things.

13 Q. Okay. Great. So insofar as your testimony is about
14 that, that would be a different situation that's not
15 relevant here.

16 MR. MOHRING: Objection, Your Honor.

17 THE COURT: Overruled.

18 THE WITNESS: So, as I mentioned, remittance is
19 the predominant means by which in my experience foreign
20 capital comes into countries.

21 There is another research that's also around
22 issues of how migrants are involved in other forms of
23 foreign investment. To some extent, familiarity with the
24 country breeds investment from host to home country. But
25 primarily my work has been with remittances.

1 BY MR. THOMPSON:

2 Q. Okay. The small regular remittances sent to family
3 members abroad?

4 A. That's correct.

5 Q. Used to support household spending as a lifeline?

6 A. That's one of the important uses of remittances, yes.

7 Q. And to fund household microbusinesses, correct?

8 A. Largely, yes.

9 Q. Okay. You also talked about transactional informality;
10 is that right?

11 A. Yes, I did.

12 Q. And that is, generally, just sort of an inclination to
13 use more trust-based unwritten agreements?

14 A. The way I would describe it is a preference sometimes to
15 perform the kind of transactions we would do formally
16 through oral agreements through, again, trust-based,
17 limited, individual, counter-party arrangements, yes.

18 Q. And you gave some examples. You talked about a garage
19 sale, I think?

20 A. I did.

21 Q. And this, of course, this case isn't a garage sale. You
22 realize that, right?

23 A. I think it's safe to say we are not talking about a
24 garage sale.

25 Q. A very different situation here, correct?

1 A. As best I can understand from reading the indictment and
2 just by reading the paper.

3 Q. Okay. But transactional informality, it sounds like, if
4 I'm understanding it correctly and maybe I'm not, is a way
5 of sending money abroad outside of a western financial
6 system or can be one of the means by which one does that,
7 correct?

8 A. Well, transactional informality includes, among other
9 things, how money is transferred, would be a number of
10 different business practices, one of which could be that.
11 That could be done through the kind of hawala network that I
12 was describing during my direct testimony.

13 Q. Okay. And one way to do it is to wire money or write
14 someone a check, correct?

15 A. It could.

16 Q. That could be a formal, more western way, correct?

17 A. It could.

18 Q. Write a check?

19 A. Absolutely, it could.

20 Q. Wire money to someone's bank account?

21 A. Yes, it could.

22 Q. Have a written contract?

23 A. It could.

24 Q. And there's a lot of evidence of that in this case. Are
25 you aware of that?

1 A. Again, as I've said --

2 MR. MOHRING: Objection.

3 THE COURT: Sustained. The jury will disregard.

4 BY MR. THOMPSON:

5 Q. Okay. Let me talk a little bit about transactional
6 informality.

7 I think you talked about a system for sending
8 money to relatives abroad, correct?

9 A. I did.

10 Q. It's trust-based.

11 A. It is.

12 Q. So someone might send money to a relative without any
13 sort of written contract; is that right?

14 A. That's correct.

15 Q. Trusting that that money will still be there once it
16 gets there, correct?

17 A. Yes.

18 Q. So someone might -- if I might send money to my brother
19 in some other country, and even though it's now his in his
20 possession, it's still my money; is that correct?

21 A. That's correct.

22 Q. And there's social, cultural mores that enforce in a way
23 different, but similar to a western-style contract, my
24 continued ownership of those funds; is that right?

25 A. If you are asking me to opine on the ownership of funds

1 across borders, maybe that's outside the scope of my
2 agreement; but, more generally, what I think you are saying
3 is, yeah, the same way you would treat your brother would be
4 the way in many ways migrant transactions take place.

5 Q. Okay. So if someone here in the United States sends
6 money abroad to, say, a relative, it may well be that that's
7 still their money. Their relative is just holding it for
8 them. Is that right?

9 A. It could.

10 Q. That's part of what you were testifying to, I think?

11 A. It could. Typically, remittances, even when they're for
12 investment purposes for the -- to some extent, these are
13 commitments, almost like gifts. And in the, again, the
14 Islamic or Muslim-majority traditions, often they're gifts
15 with the intention, perhaps, as co-investors, but with the
16 intention of some reciprocity down the line. I give to you,
17 help you get established here; you help us and our family
18 after you are established.

19 So hard to think of it as whose money it is. Not
20 so much. It's more about reciprocity and trust.

21 Q. So I'm sending money to a relative with an expectation
22 that I will get to benefit from it at some point.

23 A. Yes, it is. I guess it is that. I don't know how you
24 transact with your brother, but, yeah, that I guess would be
25 the way I might think about it.

1 Q. I don't loan my brother money.

2 A. Okay.

3 Q. But that's beyond the scope for sure.

4 A. Definitely.

5 Q. Okay. Okay. Dr. Vaaler, I want to talk a little bit
6 about here -- you talk about things being not inherently
7 illegal; is that right?

8 A. I did mention that, yes.

9 Q. And I think you talked a little bit about, you know,
10 western law enforcement sometimes being suspicious of
11 transactions; is that right?

12 A. I did.

13 Q. But when you say something's not inherently unlawful,
14 that doesn't mean it's inherently okay; is that right?

15 A. That's correct.

16 Q. So, for example, I mean, money laundering is a crime.
17 You are aware of that?

18 A. Yes, I am.

19 Q. And you are not saying otherwise, correct?

20 A. No, I'm not.

21 Q. Okay. So if, for example, money is sent abroad, either
22 through a formal system or an informal transfer, to the
23 extent that money is the proceeds of a crime, that's
24 illegal, correct?

25 MR. MOHRING: Objection. Beyond the scope, Your

1 Honor. Also foundation.

2 THE COURT: Overruled.

3 You may answer.

4 THE WITNESS: It could.

5 BY MR. THOMPSON:

6 Q. It could. So, for example, if I was a drug dealer and I
7 sent money to -- my proceeds of my drug trafficking home to
8 my family, that would be illegal, correct?

9 A. Yes.

10 MR. MOHRING: Same objection, Your Honor. Beyond
11 the scope.

12 THE COURT: Sustained. The answer will stand.

13 I'm sorry. Overruled. The answer will stand.

14 BY MR. THOMPSON:

15 Q. Similarly, if the proceeds of the transfer -- or the
16 money being transferred and sent abroad is the proceeds of a
17 fraud scheme, similarly problematic, correct?

18 A. Yes, it could be.

19 Q. So when you say something is not inherently illegal, in
20 that case that would be an example of a case where it was
21 illegal; is that right?

22 A. It could be.

23 Q. And here you are not saying one way or the other whether
24 the transactions were legal or illegal, correct?

25 A. Again, I didn't review the evidence as part of the scope

1 of my work.

2 Q. You don't know where the funds came from, correct?

3 MR. MOHRING: Objection. Asked and answered.

4 THE COURT: Sustained.

5 BY MR. THOMPSON:

6 Q. And you don't know where they went, correct?

7 MR. MOHRING: Same objection.

8 THE COURT: Sustained.

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

10 THE COURT: Thank you.

11 Mr. Mohring, any redirect?

12 REDIRECT EXAMINATION

13 BY MR. MOHRING:

14 Q. Professor, the --

15 I think we're good, Kate.

16 The prosecution was just asking you about
17 transactional informality in the context of money transfers,
18 right?

19 A. Yes.

20 Q. Is money transfers the only type of transaction where
21 transactional informality in the Somali and East African
22 migrant communities is shown?

23 A. No, it's not.

24 Q. We looked at -- and I won't take you through it again --
25 different forms of business financing in this community.

1 Do the structures that you described also reflect
2 transactional informality in how businesses are funded and
3 financed here?

4 A. They can be illustrative of transactional informality,
5 yes.

6 Q. Okay. Now, you also were just asked some questions
7 about remittances and some of the -- and some of the
8 purposes of remittances. And you described just now
9 remittances as a form of sending back assets, money, to
10 support family.

11 A. Yes.

12 Q. That's an example of the use of remittances?

13 A. That's one example, yes.

14 Q. Is it also -- and can remittances be a form of
15 investment?

16 A. Yes, they can. And that's one of the reasons why I
17 started to study them. You know, why would a professor at a
18 business school be studying it. Probably more appropriate
19 in economics or a public policy. But it's because of their
20 use in part to fund, found and grow businesses that I became
21 interested in it.

22 Q. And so money being sent back -- and I suppose there's --
23 it can serve the service of support and also be an
24 investment simultaneously, right?

25 A. The same reasons that migrants in host countries are

1 often entrepreneurs, self-employed, explain why labor
2 markets back in the home country are scarce at best. You
3 need to be an entrepreneur in many different informal
4 economies, like Somalia's, to survive. Business is not just
5 an opportunity. Self-employment is a necessity.

6 Q. And so when money is sent back to invest, what are some
7 of the types of things that are purchased with that?

8 A. So money with remittances and other forms of foreign
9 capital inflows that come to many less-developed countries,
10 they have fewer -- how should I say it -- outlets than we
11 would find here.

12 For example, in most countries there's no stock
13 market, so -- and there may be no bond market and the like.
14 So portfolio flows don't really exist, other than maybe
15 sovereign bonds from a government for it.

16 Also, very often you will see that these
17 investments will go into real estate. Households in real
18 estate are so important for less-developed countries. They
19 are largely also rural countries. So the land becomes such
20 an important source of investment.

21 As I mentioned earlier, under cross, one of the
22 examples of remittances is where money will be used to, say,
23 purchase a capital good, like a truck that's used for the
24 farm, but then it gets used -- dually used as a taxi, as a
25 small business at night.

1 Q. Thank you, Professor. I have nothing further.

2 THE COURT: Any recross, Mr. Thompson?

3 MR. THOMPSON: No, Your Honor. Thank you.

4 THE COURT: Thank you, Dr. Vaaler. You may step
5 down.

6 THE WITNESS: Thank you.

7 THE COURT: And the defense may call its next
8 witness.

9 MR. MOHRING: Your Honor, we call Jacob Steen.

10 THE COURT: Good morning, Mr. Steen. You are
11 aiming up here for the witness stand. And then I'll have
12 you stand and take the oath.

13 JACOB STEEN,

14 called on behalf of the defendant Mukhtar Mohamed Shariff,
15 was duly sworn, was examined and testified as follows:

16 THE WITNESS: I do.

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

18 And then when you are settled, sir, I'll have you
19 state and spell both your first and last name for the
20 record.

21 THE WITNESS: Sure. Jacob Steen. J-A-C-O-B.
22 S-T-E-E-N.

23 THE COURT: Mr. Mohring, you may inquire.

24 MR. MOHRING: Thank you, Your Honor.
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DIRECT EXAMINATION

BY MR. MOHRING:

Q. Good morning officially. Tell us where you work, Mr. Steen.

A. Yes. I work with the Larkin law firm in Bloomington, Minnesota.

Q. And tell us a little more about your training and education.

A. Sure. I've been practicing land use law for about ten years now. I went to William Mitchell College of Law. Prior to practicing law, I was a city planner for the City of Minneapolis.

Q. Before, before going to law school?

A. Correct. I went to law school at night.

Q. Okay. Took a dark turn.

A. That's right.

Q. Can you describe -- you mentioned land use law. Tell us a little bit about your practice.

A. Sure. So my practice is primarily dealing with real estate and zoning. I wear a lot of hats.

Q. Real estate and --

A. Real estate and zoning.

Q. Thank you.

A. So that's the ordinance that deals with land use. So these are government rules, usually city or county rules,

1 that regulate what you can do and where you can do it.

2 Q. Okay. And did you have experience in land use before
3 going to law school, before beginning to practice?

4 A. Sure, sure. So as a city planner, I specifically dealt
5 with zoning regulations of the zoning code in the City of
6 Minneapolis.

7 Q. From the city side?

8 A. From the city side, yes.

9 Q. Which city or cities?

10 A. In Minneapolis. So Minneapolis proper.

11 Q. Okay.

12 A. And I did go to -- I went to grad school for a planning
13 degree.

14 Q. Here?

15 A. Went to the University of Minnesota for undergraduate
16 and Mankato State for my master's in urban planning.

17 Q. Are you a Minnesota guy?

18 A. I am. Minnesota born and raised.

19 Q. All right. So in your work in the law firm in land use
20 practice, did you come into contact with Mukhtar Shariff?

21 A. Yeah. So --

22 Q. And so let me ask, Do you see him in court today?

23 A. Yes. Yes, I do.

24 Q. The gentleman waving?

25 A. Yeah.

1 Q. So tell us, how did you come into contact with each
2 other?

3 A. Sure. So Mukhtar reached out to my office in -- I think
4 it was early 2021 on behalf of a company that he was the CEO
5 of called Afrique Hospitality Group.

6 Afrique was a, kind of a multifaceted use, so an
7 event center, a cultural center, that was proposed for a
8 location in Bloomington where we do a lot of work.

9 Q. Okay. And so you were retained?

10 A. Right. He retained us for the entitlement process, so
11 the land use permitting process for this cultural center.
12 And it was about, it was probably a 16-month engagement
13 where we went through the entitlement process.

14 Q. That was going to be my next question. So the process
15 took, give or take, how long?

16 A. You know, I think -- you know, so it started beginning
17 in I think February of 2021. And we had largely resolved
18 all land use issues, zoning-related issues, development
19 issues in I think August of 2022.

20 Q. Okay.

21 A. So about 16 months.

22 Q. I want to ask you about that process in a minute, but --
23 so during that 16-month period, can you tell us who did you
24 actually interact with in connection with your work on the
25 project?

1 A. You know, my primary contact was Mukhtar, but we had
2 pretty regularly -- regular meetings with the entire
3 development team. So that would be the architect, the
4 engineer, there were a couple of different engineers,
5 consultants, lighting consultants, electrical consultants.

6 Q. Okay. In terms of the interface with Afrique
7 Hospitality Group, can you tell us who was -- who were you
8 actually dealing with there?

9 A. Primarily, primarily Mukhtar Shariff.

10 Q. Okay.

11 A. Mr. Shariff.

12 Q. Okay. So you mentioned briefly, but I want to -- can
13 you describe to us the project? I mean, what were you
14 trying to accomplish?

15 A. Sure. So the project itself was, again, multifaceted.
16 You know, the way that zoning and land use works, you divide
17 up all of the different uses, possible uses of land, and
18 certain uses are permitted, certain are prohibited, some
19 require a conditional use permit.

20 Q. Permitted -- or prohibited based on --

21 A. On the zoning classification of the individual property.
22 So, you know, a normal, like a normal single-family house
23 would be a low density. You can only use it for
24 single-family housing. In Minneapolis it's, you know, one
25 to three units.

1 In this case, in Bloomington, it was -- the
2 property that they had identified was a former industrial
3 building, and that building I think was zoned something like
4 freeway commercial district, which allowed some of the
5 proposed uses. And, again, this cultural center had a lot
6 of uses involved. So some were allowed and some weren't
7 allowed. So they asked us for guidance on how to, to find a
8 way to get to yes.

9 Q. Okay. So let's talk about those uses a little more.
10 Can you tell us what, what all were the uses that were
11 envisioned for this?

12 A. Sure, sure. So it was, it was kind of -- it was a lot
13 of different things.

14 So a community center, a business incubator, a
15 restaurant. I think actually two restaurants. There was a
16 playground, play area that would, you know, would be a
17 for-fee play area. There was also a work share, kind of a
18 coworking space, as well as meeting space.

19 And there were some initial discussions with the
20 City of Bloomington about locating a workforce development
21 center at the site.

22 Q. So you mentioned interactions with design folks. Were
23 architects a part of that process?

24 A. Oh, absolutely. Yeah.

25 Q. And were the uses that you're talking about, were those

1 outlined in some of the design documents?

2 A. Yes. Yeah.

3 Q. And in talking about them, would it help if we could see
4 that, parts of that document?

5 A. Sure.

6 Q. Can we pull up, please, what's been admitted as J-177,
7 please.

8 So can you see that?

9 A. Yes.

10 Q. Have you seen this document before?

11 A. I have. I have, yes.

12 Q. Okay. If we can go to page 11.

13 So actually this document, can you tell us what it
14 is? And if it would help for us to go back to page 1, we
15 can do that, but --

16 A. Sure. Yeah, this is just a standard AIA form of an
17 agreement between an architect and a developer.

18 Q. And is this the agreement that applied to and relates to
19 the Afrique project?

20 A. That's my understanding, correct.

21 Q. Okay. Can we go to page 11, please.

22 So page 11 is an attachment to this agreement,
23 right?

24 A. Right.

25 Q. That outlines at the bullet points, at least, some of

1 the parts of the project that were contemplated?

2 A. Right. Yeah. And I think that, you know, this was --
3 so January 2021. Commercial kitchen, restaurant space,
4 event center, coworking, indoor play area, you know, all of
5 those uses ended up in the final project, although I think
6 we added, maybe added some additional uses that were
7 ancillary and, you know, that worked with those uses.

8 Q. Okay. You see the first bullet point?

9 A. Mm-hmm.

10 Q. And for testifying, saying an "mm-hmm" is problematic.

11 A. Oh, yes.

12 Q. But we all understand it. Thank you.

13 A. Yes.

14 Q. So the first bullet point talks about a commercial
15 kitchen?

16 A. Right.

17 Q. Was a commercial kitchen part of the concept from, from
18 the beginning?

19 A. Yes. So I think my recollection is that the idea was
20 that there would be both a restaurant, so people could eat
21 on site, and then also have a commercial kitchen to help
22 incubate small businesses.

23 So part of the idea was that they would have, you
24 know, new immigrants learning all of the different phases
25 and stages of starting a business. Some of those would be

1 food producers, kind of the cottage industry food producers.

2 Q. Okay. And there was also going to be an event space?

3 A. Right. An event space and meeting area for, you know,
4 community events and birthday parties, that kind of thing.

5 Q. If we can, go to page 13. So I think same, same
6 document.

7 Were there projections made in the planning phase
8 of how large this facility would be and how much space would
9 be allocated, rationed out to the different uses?

10 A. Yeah. And this shows, you know, the initial concept,
11 which is 1,000 square feet for a commercial kitchen, 1,000
12 square feet for a restaurant space, 5,000 for event center.

13 You know, as we went through the process, there
14 is, you know, there is a parking requirement attached to
15 each of these, and then there was also a revenue projection
16 attached to each one of these. So we had to, over time
17 through our work with the city, had to massage those numbers
18 and change those numbers a little bit, but all of those
19 uses, again, ultimately ended up in the final project.

20 Q. Okay. I'd like to, I'd like to show just for the
21 witness, not yet admitted, D7-008.

22 Have you seen this document before?

23 A. Oops. I marked it up. Sorry. Yes.

24 Q. Can you tell us what it is?

25 A. So this is the -- so it's a couple of different things.

1 So this is the site plan. This is the entire site. I think
2 1701 and 1801 American Boulevard. They were originally
3 developed together. We were only working with the self
4 building, which was 1701. And the area in gray, that was --

5 Q. Actually, before we get to the --

6 A. Sorry. Oh, go ahead.

7 Q. -- the details --

8 A. Sure.

9 Q. -- is this a document that was prepared and that you
10 used in connection with your work on this project?

11 A. Yeah. Absolutely.

12 Q. And is this the type of document that you would normally
13 use in connection with your work on projects like this?

14 A. Right. Correct.

15 MR. MOHRING: I would move the admission of
16 Exhibit D7-008.

17 THE COURT: Any objection?

18 MR. THOMPSON: No objection.

19 THE COURT: D7-008 is admitted and may be
20 published.

21 MR. MOHRING: Thank you.

22 BY MR. MOHRING:

23 Q. Okay. So multi-page document, right?

24 A. That's correct.

25 Q. Okay. I'd like if -- I think let's go to page 2, and if

1 we can zoom in just on the diagram part.

2 Okay. Can you tell us what we're looking at?

3 A. Sure. So this is the proposed floor plan, you know, and
4 I don't know what this is dated. Again, it changed over
5 time. But this looks like the initial floor plan that we
6 had for 1701.

7 The gray area, the dark shaded area was a
8 different tenant space, and the detailed area was the
9 proposed floor plan and breakdown of specific uses.

10 Q. Okay. So if you can, can you just walk us through? And
11 I think you may have the ability, let's see, if you put your
12 finger on the screen, to mark.

13 A. Yeah.

14 Q. If you can just walk us through what are we looking at
15 and what are the activities that were planned for those
16 areas.

17 A. Sure. So I'll start from right here. This was the --
18 so this is a play space, a play area. It would have fixed
19 playground equipment. There's a little party room as well
20 that would be used for birthday parties for kids.

21 And I think there was even a separate entrance, or
22 maybe the separate entrance maybe came at a later iteration
23 for this site or for this part of the building.

24 Q. Okay.

25 A. There's a restaurant and reception area. Here's a

1 separate cafe. I think that was more of a fast dining.
2 This is a meeting and coworking space for the business
3 incubator.

4 Q. So can you tell us a little bit more about that? What's
5 the idea behind a coworking business incubator space?

6 A. Yeah. So I think, you know, the idea, as I understood
7 it, was that this would be a really, again, you know,
8 helping specifically the East African diaspora in the Twin
9 Cities to learn how to start a business, grow a business and
10 give them all the resources, you know, and that includes
11 meeting spaces and coworking spaces with access to
12 technology.

13 Q. Okay. Technology, computers, internet, printers?

14 A. Printers, exactly. Right, right.

15 Q. Okay. What else?

16 A. I think the largest space just by square footage was the
17 event hall and area. So that would be, again, for holidays,
18 birthday parties, other types of celebrations, weddings.

19 Q. Okay.

20 A. There was an assembly area. One of the allowed uses in
21 the ultimate land use that we worked on with the city was a
22 place of assembly. So could be a prayer area, and you could
23 have prayer services. And then you would have some back
24 offices, as well as a library.

25 Q. Okay.

1 A. And, again, these were all intended to be kind of
2 mixed-use/multi-use flexible spaces.

3 Q. Okay. I'm seeing one area yet to be circled between the
4 back office/library and the incubator space. What --

5 A. This area right here, I believe that's offices, again,
6 just additional coworking space, so hotel office.

7 Q. Okay. Okay. We've been talking about the project and
8 the scope of the project.

9 I'd like you, if you can, to take us through the
10 process that you went through. How does that begin? What
11 is the first step?

12 A. Sure. So the process was, again, you know, maybe a
13 16-month process. Initially, we met to talk about the
14 proposed project.

15 That project again included, you know, a mix of
16 uses. We determined a number of those uses wouldn't be
17 allowed in the underlying zoning district, the freeway
18 commercial district. So we began meeting with the city
19 staff, planning staff, zoning staff, that administers the
20 zoning code.

21 Q. So if you have uses that are projected that might not
22 fall within what's allowed for that particular zoning area,
23 what do you do?

24 A. Right. So -- and, again, you know, there's really three
25 categories. There's allowed uses. There's a conditional

1 use, which requires -- it's a use that's allowed with
2 conditions, so it requires a public hearing. And then
3 there's prohibited uses. If you come across a prohibited
4 use, you know, really the only mechanism is to change the
5 zoning laws.

6 So we contacted the city. We proposed a really
7 multifaceted use, which was called a -- we called it a
8 cultural campus that included a mix of uses and began
9 working on a zoning code text amendment, so an actual change
10 to the city's ordinance, that we then subsequently applied
11 for and had a hearing before the planning commission, the
12 city council and had that approved.

13 Q. Okay. So I want to take that in a couple of steps. So
14 the first step is, as I understand, to look at the existing
15 zoning and see if it fits or not, right?

16 A. Right, right.

17 Q. And then the next step was interactions, engagement with
18 the city officials who, who have responsibility over this to
19 get their take on it?

20 A. Correct.

21 Q. And then out of that process was it determined that the
22 existing categories just, just aren't adequate, aren't
23 enough to allow what it is that, that you and they wanted to
24 be done?

25 A. Yeah, yeah. And, right, so staff was willing to support

1 it. This was a very, kind of, what I would characterize as
2 a very old zoning district that had not been looked at in
3 maybe 20 years. So staff was willing to explore a new use
4 as long as, you know, they felt comfortable with kind of the
5 constraints around the definition so that it wasn't going to
6 just be a blank check to do whatever we would like.

7 Q. Okay. And so it was determined or a decision was made
8 that you would actually seek to modify the zoning status?

9 A. Correct, correct.

10 Q. Can you tell us a little bit more about that? What was
11 the modification that you were trying to accomplish?

12 A. So the specific application was a zoning code text
13 amendment that we made. And that was to create a new use
14 category called the cultural campus. And that use would
15 include, again, event space, restaurants, community center,
16 a place of assembly, museum, library, business incubator,
17 art space. I think it had a maximum square footage, and
18 then no use itself could be more than 50 percent of that
19 square footage so that this wasn't just an effort to squeeze
20 one specifically type use into it. Yeah, so there would
21 maintain a balance.

22 Q. A balance between --

23 A. The different various symbiotic uses.

24 Q. Okay. And as a part of the process of trying to get the
25 code changed in this way, were there hearings?

1 A. Yes. We had public hearings before the planning
2 commission, so that's the body that makes a recommendation
3 to the city council, and then before the city council, which
4 has the authority to change the zoning code.

5 Q. Okay. And was Mr. Shariff -- did he participate in that
6 process and in those hearings?

7 A. Yes, he did.

8 Q. How did it go?

9 A. It, you know, it went well. Ultimately, the city
10 council supported it. There was, you know, there was a
11 public hearing, so there was a lot of discussion. Members
12 of the public came out to speak, but ultimately the city
13 council was very supportive --

14 Q. And so the --

15 A. -- and approved it.

16 Q. Approved the requested modification?

17 A. Right, right.

18 Q. Okay. How do you feel about the work you did?

19 A. Good. You know, it's always nice to be able to have the
20 ability to find a way to get to "yes," like I said, you
21 know, find a path to meet both the city's goals as well as
22 your client's goals and end up with a land use that is, you
23 know, desirable.

24 Q. As a part of your work in the development process and in
25 the interface with the city on the zoning code activity, did

1 you look at income streams and possible income streams for
2 this development?

3 A. Not, you know, not to the detail that I was looking at
4 specific numbers, but it was part of the conversation.

5 As we worked through the zoning code text
6 amendment, we had to make sure that we found a balance of
7 uses that met, again, both the city's desire to, you know,
8 balance those uses, the parking code, because each -- again,
9 we only had a limited number of parking spaces, and then the
10 income. And we, you know, the goal, while there had been
11 some initial investment, the goal was that this would be an
12 ongoing concern and it could support itself.

13 Q. And so in looking at income streams from activities, is
14 the goal to balance some areas that are producing income
15 with other ones that don't need to --

16 A. Right.

17 Q. -- to achieve a balance between those?

18 A. Right. And, again, you know, I didn't look at pro
19 formas, but it was -- you know, there were going to be
20 some -- like a library, I don't think a library would
21 produce income, but the play area would be a fee, you know,
22 a per fee. Restaurants would charge a fee. And then there
23 would be, you know, the coworking space that people would --
24 they would have to pay to subscribe to, presumably.

25 Q. So in terms of the components or parts of the project

1 that you looked to as generating income, you talked about
2 the workforce space?

3 A. Yeah.

4 Q. Is that one?

5 A. Right. Yeah. So the workforce was, you know -- and we
6 never got into the details of that. That was an initial
7 discussion with the city. There was a lot of support from
8 the city to build a workforce center. The idea is that that
9 would be a public/private work skills development. So
10 presumably that would be funded with, yeah, you know, with a
11 grant, but there's also a public service element to that
12 piece.

13 Q. Okay.

14 A. But we had started the conversation with the city.

15 Q. So you mentioned that. You mentioned restaurants as
16 being an income source. Yes? The child play space?

17 A. The play space. You know, parties, events.

18 Q. The event center?

19 A. Yeah. Right, right. I think the event center was going
20 to be, you know, you can have a wedding, and you can charge
21 for the catering, and you can charge an actual fee for the
22 rental.

23 Q. Okay. So in your work -- and so these income streams
24 were, potential income streams, were these things that were
25 part of the information that you presented to the city

1 council or -- in connection with the zoning process?

2 A. You know, it was probably not presented. It's not
3 typically something that we would discuss with the council.
4 You know, their staff and the city council trusts that you
5 are able to run your business.

6 Q. Okay. At least these different streams were identified,
7 though, in connection with your work?

8 A. It was, it was explained that there would be -- and the
9 playground, I think of, was one issue that the city wanted
10 to make sure that this wasn't almost a license for, you
11 know, an activity center that would get out of control,
12 right, and they wanted to make sure that they understood
13 exactly what that included.

14 So we did include that in our narrative and
15 certainly in our conversations with staff that this would
16 be, you know, essentially like a -- I don't know what a good
17 example is, but, you know, a place that you could go and
18 have a kid's birthday party and have a play room and charge
19 for it and each kid would, you know, maybe have a per-hour
20 fee, something like that.

21 Q. Okay. In any of the discussions about income streams
22 from this space, did the Federal Child Nutrition Programs
23 get discussed or identified as an income source?

24 A. No, no.

25 Q. Was income from Federal Child Nutrition Program funding

1 ever a part of the presentation that you made in seeking the
2 zoning change?

3 A. No. No, it was not.

4 Q. We talked about, about the interview work, if that's a
5 fair way to characterize it. You got the zoning change that
6 you were trying to get. Yes?

7 A. Right. So we got the zoning change, but that was really
8 just the initial phase.

9 So we went through the zoning change and
10 subsequently -- and I think it was probably August of that
11 year 2021 we had to bring forward an application for the
12 actual conditional use permit. So that is the permit under
13 which you could operate the use.

14 And there's a site plan review standard. So we go
15 through and we look at every curb. We look at every
16 sidewalk, every tree, every light. We go through that
17 process with city staff, went through, again, another set of
18 hearings with the planning commission and the city council,
19 and then that permit was approved. And, again, I think it
20 was August of 2021.

21 Q. Okay. So first you change the zoning. Then you
22 actually get a permit to do what it is that you're proposing
23 to do?

24 A. Correct. Right.

25 Q. And did that ultimately pan out? Is there a facility

1 there now?

2 A. Yeah. It's under a different name, but it is -- it's
3 operating. And I know that just -- I think two weeks ago
4 there was a big city event there.

5 Q. And do you know the name?

6 A. I think it's Al-Zawadi.

7 Q. Okay. So you describe what we've been talking about a
8 process -- I think you ballpark, give or take, 16 months for
9 your involvement with this?

10 A. Yeah. You know, a development project, after the
11 conditional use permit, there's the actual process of going
12 through and getting the permits. I don't have a big role in
13 that as land use counsel. That's usually the contractors.
14 So the contractors go through those permits, but inevitably
15 issues come up.

16 We have to negotiate a site development agreement,
17 which is, you know, just includes all of the conditions of
18 approval and obligates us to build in compliance with those
19 entitlements that we had. But, yeah, I think about
20 16 months into it the majority of that work kind of falls
21 off and they moved on.

22 Q. You mentioned having interactions with a number of
23 different people, but at least on the Afrique side of things
24 that Mukhtar Shariff was your primary contact?

25 A. Yes, he was the primary contact.

1 Q. Over that 16-month period, can you just describe how
2 frequent your interactions with him were?

3 A. From the very beginning, at the very beginning it was
4 fairly frequent, as we work up to these applications and
5 prepare the applications. You know, during times I would
6 say every day we would speak and, you know, in between those
7 applications it could be, you know, a couple weeks that we
8 talk. But, I mean, there were certainly times where we had,
9 I think it was biweekly meetings with the whole project
10 team.

11 Q. Okay. Based on your interactions with him, were you
12 able to observe his level of engagement and commitment to
13 the process?

14 A. Yeah. You know, it was my impression that this was his
15 full-time job and that this is what he was doing really all
16 of his, with all of his time, so.

17 Q. And was he tracking? I mean --

18 A. Yeah. You know, he was tracking. He was, I would say,
19 involved with every detail. You know, we'd talk about
20 lighting. We'd talk about curbs and gutters and
21 landscaping, and really all of those details he was involved
22 with.

23 Q. Thank you, Mr. Steen. I have no further questions at
24 this point.

25 THE COURT: Does any other defense counsel wish to

1 examine?

2 Mr. Thompson, cross-examination?

3 MR. THOMPSON: Yes, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. THOMPSON:

6 Q. Good morning, Mr. Steen.

7 A. Good morning.

8 Q. It sounds like this Afrique project -- it was a pretty
9 big project; is that right?

10 A. You know, in terms of scale, I think it was about maybe
11 20,000 square feet; but in terms of involvement, yeah,
12 16 months is a good project.

13 Q. A significantly complex project; is that right?

14 A. Correct.

15 Q. A number of different businesses were going to operate
16 in this space; is that right?

17 A. Correct.

18 Q. I think you said there was going to be an event center?

19 A. Event center.

20 Q. For like weddings and --

21 A. Yep, weddings, birthdays.

22 Q. A business incubator?

23 A. Correct.

24 Q. To help companies start up, I guess?

25 A. Right.

1 Q. A commercial kitchen?

2 A. Correct.

3 Q. A catering business?

4 A. Correct.

5 Q. A restaurant?

6 A. Correct.

7 Q. Some sort of playground or child care space; is that
8 right?

9 A. Right.

10 Q. A library?

11 A. It's what it said on the plans. I don't remember, you
12 know, the details of the library.

13 Q. An art space? Did I hear you correctly?

14 A. Yeah, art space for -- again, I think that was really
15 more of the business incubator. That was part of the
16 allowed uses under the cultural campus.

17 Q. And then a coworking space, an office share; is that
18 right?

19 A. Correct.

20 Q. An expensive project; is that right?

21 A. You know, I don't recall. I wasn't really involved in
22 the budgeting. By the time -- we didn't negotiate the
23 architectural contract, but, yeah, it sounds, you know, I
24 assumed upwards of a million dollars.

25 Q. There was an architectural firm involved, correct?

1 A. Correct.

2 Q. They were paid, I take it?

3 A. Yeah, I don't know. I assume so, but, you know, usually
4 if you are not getting paid, you don't show up at the weekly
5 meetings.

6 Q. And they showed up?

7 A. Yes.

8 Q. Okay. Builder?

9 A. Yes, there was a contractor.

10 Q. A contractor building out the space; is that right?

11 A. Right.

12 Q. I assume there were costs involved in purchasing
13 fixtures and stuff like that?

14 A. Yeah, you know, and usually in a project like this
15 there's a share from the landlord, so a tenant improvement
16 budget, and I believe there was, you know, a hefty
17 six-figure tenant improvement.

18 Q. Okay. And your firm was retained? You were retained,
19 correct?

20 A. Correct.

21 Q. You were paid, I take it?

22 A. Correct.

23 Q. Okay. You said you weren't involved in the budgeting;
24 is that right?

25 A. No, I wasn't.

1 Q. And that's -- so do you -- and you worked with Mukhtar
2 Shariff, correct?

3 A. Correct.

4 Q. He was your primary contact?

5 A. Correct.

6 Q. Did you work with others at Afrique?

7 A. The only other contact was intermittent, and I think it
8 was a CFO. Mahad Ibrahim.

9 Q. Mahad Ibrahim.

10 A. Correct.

11 Q. You worked with him on the project?

12 A. Yeah. From time to time he would join the calls.

13 Q. He was the CFO?

14 A. I believe so. I think that was his title.

15 Q. In any of your conversations with Mukhtar Shariff, did
16 you talk about the funding of the project?

17 A. So I was not part of the conversation. I was out of the
18 courtroom. I do have a little bit of a concern about the
19 actual specific conversations being covered under
20 attorney-client privilege.

21 THE COURT: I ordered that it is waived.

22 THE WITNESS: Okay. So, so, yes, we talked very
23 kind of generally about the project funding and the
24 investment.

25 The investment, as I understood it, was kind of a

1 collaboration of community members who had put in money. My
2 understanding was that the primary investors were three
3 women who were business leaders in the East African business
4 community and my recollection is, you know, to the tune of
5 maybe \$800,000, their investment.

6 BY MR. THOMPSON:

7 Q. Okay. The project cost more than that, correct?

8 A. I believe so.

9 Q. So defendant Shariff talked to you about those investors
10 and those funds, correct?

11 A. Again, I mean, that was really the extent of my
12 understanding, is that it was funded with, with these
13 handful of investors.

14 Q. I assume that --

15 A. It was a joint venture.

16 Q. I assume that means he did not talk to you about using
17 Federal Child Nutrition Program money to fund the project;
18 is that right?

19 A. Correct, correct. That was never discussed.

20 Q. Would you have wanted to know about that if that was the
21 case?

22 A. That, you know, that's something that I would, I would
23 have certainly asked questions about, if I was aware of it.

24 Q. Because you'd been concerned about that; is that right?

25 A. I hadn't, I didn't, I hadn't been concerned. I didn't

1 know what the -- you know, I really didn't know what the
2 Federal Child Nutrition Program was until, you know, until
3 it was announced, I guess, in the news. So, yeah, no, it
4 was -- it wasn't something that was even remotely on my
5 radar and wasn't something that we ever discussed as part of
6 the project.

7 Q. He didn't tell you about it?

8 A. Correct.

9 Q. Had he told you about it, I assume you would have asked
10 some questions about that?

11 MR. MOHRING: Objection. Beyond the scope.
12 Speculation.

13 THE COURT: Overruled.

14 You may answer.

15 THE WITNESS: Yeah, I think I would have asked how
16 does this -- I mean, we would have probably discussed it as
17 being a part of the operation, if it was something that was
18 occurring on site. It would have had to be something that
19 was occurring on site.

20 I mean, the truth is, you know, I don't really
21 know -- most of my clients I don't know what, you know, all
22 of their business activities. I'm really focused on
23 specifically the land use of the property.

24 BY MR. THOMPSON:

25 Q. Here you weren't -- in any event, the defendant didn't

1 tell you about it.

2 A. Correct.

3 Q. Correct?

4 A. Correct.

5 Q. He didn't tell you anything about the Federal Child
6 Nutrition Program, did he?

7 A. Correct.

8 Q. He didn't say anything about being involved in the
9 Federal Child Nutrition Program; is that right?

10 A. Correct.

11 Q. He didn't tell you about running a large Federal Child
12 Nutrition Program site; is that right?

13 MR. MOHRING: Objection. Misstates the evidence.

14 THE COURT: The jury will recall the evidence.

15 You may answer.

16 THE WITNESS: No, I mean, that was never part of
17 the discussion.

18 BY MR. THOMPSON:

19 Q. He never told you about it?

20 A. Correct. No idea.

21 Q. He never told you that he was claiming to feed 3500 kids
22 every Saturday; is that right?

23 MR. MOHRING: Objection. Asked and answered.

24 THE COURT: Overruled.

25 You may answer.

1 THE WITNESS: Correct. I never, no, never heard
2 that.

3 BY MR. THOMPSON:

4 Q. In fact, your understanding was the Afrique project was
5 his full-time job; is that right?

6 A. Correct.

7 Q. Okay. How about Mahad Ibrahim? Did he talk to you
8 about the Federal Child Nutrition Program?

9 A. No, no.

10 Q. Did he ever talk to you about his involvement in it?

11 A. No.

12 Q. Did he ever talk to you about a company called
13 ThinkTechAct?

14 A. You know, he never talked about it. I knew -- I saw
15 that, you know, I saw that he was involved with it. I was
16 aware that he was involved with it, but never, never had any
17 conversations about it.

18 Q. You don't know anything about it?

19 A. No.

20 Q. Did you know about its involvement in the Federal Child
21 Nutrition Program?

22 A. Only after the news stories and, you know, I Googled and
23 said, hey, you know.

24 Q. He never talked about it at the time?

25 A. Nope, nope.

1 Q. Okay. You talked a little bit about the income streams
2 that were going to come out of this project; is that right?

3 A. Right.

4 Q. It was a for-profit entity?

5 A. That was, that was the intent.

6 Q. It was designed to make money?

7 A. Correct. At least sustain itself.

8 Q. I assume it wasn't making money back at the stage you
9 were involved; is that right?

10 A. You know, not, not to my knowledge.

11 Q. It didn't have any operations at that point?

12 A. Right. Not to my knowledge. We hadn't built out yet.

13 Q. Okay. But the different entities inside of it were
14 designed to make money going forward once they were built,
15 correct?

16 A. Correct.

17 Q. So the restaurant was a profit making -- for-profit
18 restaurant, correct?

19 A. Right.

20 Q. The event center was designed to make money; is that
21 right?

22 A. It's my understanding, yeah.

23 Q. It sounds like the playground area was designed to be a
24 for-profit entity, correct?

25 A. Correct.

1 Q. This wasn't a community playground. It was something
2 you'd pay to send your kids to?

3 A. That was my understanding.

4 Q. Okay. The coworking space, that would be similarly a
5 for-profit entity; is that right?

6 A. Yeah. You know, again, I think the intent -- my
7 recollection was that that was intended to be at least
8 revenue neutral so that it could keep itself open. That was
9 more of a, just covering the cost.

10 Q. Okay.

11 A. Yeah.

12 Q. It wasn't going to be a big moneymaker?

13 A. Right.

14 Q. Okay. Now, were you aware of a pitch deck, a proposal
15 that, for the Afrique project, that stated that the Federal
16 Child Nutrition Program would help fund these other
17 entities?

18 A. No. I've never seen that.

19 Q. Or provide a constant consistent revenue stream for the
20 Afrique project?

21 A. No.

22 Q. Some of these are higher risk businesses, I take it,
23 right?

24 A. Yeah, I mean, I think -- yeah, I guess I don't know.

25 Q. Restaurants?

1 A. Right.

2 Q. I mean, you are a land use lawyer.

3 A. Yeah, you see a lot of restaurants turn over.

4 Q. A lot of them fail, right?

5 A. Right, right.

6 Q. Event spaces can come and go, correct?

7 A. Right.

8 Q. It's a seasonal business at best?

9 A. Right.

10 Q. Okay. Playground space doesn't sound like a big
11 moneymaker necessarily.

12 A. Yeah, I don't --

13 Q. But they never talked about that to you?

14 A. Correct, correct. It was really about, you know, can we
15 make this thing work and can we find the right balance of
16 uses.

17 Q. No one said it was designed to feed kids, I take it?

18 A. That was not my understanding.

19 Q. Okay. Thank you.

20 MR. THOMPSON: No further questions.

21 THE COURT: Mr. Mohring, any redirect?

22 MR. MOHRING: No. Thank you, Your Honor.

23 THE COURT: Thank you, sir. You may step down.

24 And the defense may call its next witness.

25 MR. GOETZ: If we may have just a moment, Your

1 Honor.

2 THE COURT: One moment.

3 MS. FALK: Your Honor, we call Yusuf Ali.

4 THE COURT: Thank you, Ms. Falk.

5 Good morning, sir.

6 THE WITNESS: Good morning.

7 THE COURT: You may come forward to the witness
8 stand, and I will have you stand to take the oath. Raise
9 your right hand.

10 YUSUF ALI,

11 called on behalf of the defendant Mukhtar Mohamed Shariff,
12 was duly sworn, was examined and testified as follows:

13 THE WITNESS: Yes.

14 THE COURT: Thank you. You may have a seat,
15 please.

16 And when you are settled, could you please state
17 and spell both your first and last name for the record.

18 THE WITNESS: Yusuf Ali. Y-U-S-U-F. A-L-I is my
19 last name.

20 THE COURT: Thank you.

21 Ms. Falk, you may inquire.

22 MS. FALK: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MS. FALK:

25 Q. Good morning, Mr. Ali. How are you today?

1 A. I'm doing well. Thank you.

2 Q. Good. Thank you for being here.

3 Can you introduce yourself to the jury by telling
4 them what you do for a living?

5 A. My name is Yusuf Ali. I'm a small business owner.

6 Q. What's the name of your small business?

7 A. Zawadi.

8 Q. Can you tell us a little bit about Zawadi? What type of
9 business is it?

10 A. Zawadi Center is a large business, five businesses in
11 one umbrella. We have -- it's called a cultural center.
12 It's got a coffee shop, a restaurant, event center, kids'
13 playground area and an office space.

14 THE COURT: Could you mind spelling it for us,
15 please?

16 THE WITNESS: The business name?

17 THE COURT: Yes, please.

18 THE WITNESS: Z-A-W-A --

19 COURT REPORTER: Could you start over, please?

20 THE WITNESS: Z-A-W-A-D-I.

21 THE COURT: Thank you.

22 Go ahead, Ms. Falk.

23 BY MS. FALK:

24 Q. Mr. Ali, does Zawadi have a physical location?

25 A. Yes, it does.

1 Q. Where is it located?

2 A. 1701 American Boulevard.

3 Q. And is that in Bloomington, Minnesota?

4 A. Yes.

5 Q. Did Zawadi previously exist under a different name?

6 A. Zawadi initially -- the idea was developed before
7 Zawadi, the business was developed, and --

8 Q. What was that name called?

9 A. Previously the business before we came in and -- I need
10 to explain a little bit further.

11 So the business initially existed, and it was
12 developed previous to Zawadi. When we came in, we took on
13 and rescue the business, and the business came to halt
14 mainly due to the case and other reasons. So that previous
15 development was called Afrique.

16 Q. Thank you, Mr. Ali.

17 I'd like to pull up what's not in evidence, but
18 has been identified as Exhibit D7-18 just for the witness,
19 please. And if we could play maybe the first ten seconds.

20 (Video recording played)

21 MS. FALK: You can pause it, Mr. Carlson. Thank
22 you.

23 BY MS. FALK:

24 Q. Mr. Ali, do you recognize the video that's on the screen
25 before you?

1 A. Yes, I do.

2 Q. And before today, did you have the opportunity to review
3 the full video?

4 A. Yes.

5 Q. Is it a video of Zawadi?

6 A. Correct.

7 Q. And are you featured in the video?

8 A. Correct.

9 Q. Do you recall when this video was taken?

10 A. I want to say September of last year.

11 MS. FALK: Your Honor, I offer Exhibit D7-18 into
12 evidence.

13 THE COURT: Any objection?

14 MS. WALCKER: No objection, Your Honor.

15 MS. FALK: Permission to publish, Your Honor.

16 THE COURT: Yes, D7-18 is admitted into evidence
17 and may be published.

18 MS. FALK: And now that the jury can see what
19 we're looking at, could you please play that from the
20 beginning?

21 (Video recording played)

22 MS. FALK: Thanks. You can take that down.

23 BY MS. FALK:

24 Q. Mr. Ali, does the video that we just watched capture all
25 the different businesses that are existing within Zawadi?

1 A. Yes, it does.

2 Q. And is Zawadi a real business?

3 A. It is.

4 Q. Does it continue to operate today?

5 A. It does.

6 MS. FALK: Thank you. I have no further
7 questions.

8 THE COURT: Does any defense counsel wish to
9 examine?

10 Cross-examination, Ms. Walcker?

11 MS. WALCKER: Yes, Your Honor. May I proceed,
12 Your Honor?

13 THE COURT: You may.

14 MS. WALCKER: Thank you.

15 CROSS-EXAMINATION

16 BY MS. WALCKER:

17 Q. Good morning, Mr. Ali.

18 A. Good morning.

19 Q. You moved to the Twin Cities in September of 2021 to
20 work with the Afrique cultural center, correct?

21 A. Correct.

22 Q. You became an investor in the center last year and just
23 signed investment paperwork this year, correct?

24 A. Correct.

25 Q. Did Mukhtar Shariff tell you that he was under

1 indictment for federal crimes when you invested?

2 A. We all know that. Yes. I knew.

3 Q. How much did you invest?

4 A. I invested 500,000 of my own money.

5 Q. Half a million dollars?

6 A. Yeah.

7 Q. Mr. Ali, for a profit venture the idea is to make a
8 profit, correct?

9 A. Correct.

10 Q. Do you know how much Mukhtar Shariff invested?

11 A. No.

12 Q. That's not something you wanted to find out?

13 A. From my perspective, I saw the idea being developed come
14 to life, and I believed in the idea, and it was something
15 our community needed. And the place came to stand still,
16 and I saw the opportunity, I invested in it, and I made the
17 business operational.

18 Q. To be clear, defendant Mukhtar Shariff was the chief
19 executive officer of Afrique, correct?

20 A. Correct.

21 Q. Did Mukhtar Shariff tell you that more than \$900,000 for
22 the center alone came from Child Nutrition Program funds?

23 A. I do not know any of that.

24 Q. Now, the Afrique center was a joint investment involving
25 your money and other Somalian investors, correct?

1 A. Correct.

2 Q. Afrique was renamed to the Zawadi Center, correct?

3 A. The business came to stand still. And as far as I
4 recall, the business was developed by the landlord. And by
5 last year, when I became involved, the concepts was there,
6 the development was done, but the business was not operating
7 until we joined, made it operational.

8 Q. And that change was because of negative publicity
9 because of the federal criminal charges, correct?

10 A. The project has come to stand still for many reasons,
11 mainly the case.

12 Q. Mr. Ali, do you remember being interviewed last month by
13 the defendant's counsel in this case?

14 A. Yes, I do.

15 Q. And do you remember telling that to defense counsel?

16 A. I remember. Can you repeat?

17 Q. Do you remember telling the defendant's counsel that the
18 reason Afrique was renamed to Zawadi is because of the
19 negative publicity associated with the federal charges in
20 this case?

21 A. I do not recall, but the main reason the business was
22 renamed, because a different business. It's not merely a
23 renaming. I mean, we came in, invested our own money, half
24 a million dollar from me personally, and there's other
25 investors.

1 And this was a, basically, a building and an idea
2 that was developed, but there was no business being done.
3 It just walls and rooms. So we came in, invested our own
4 money, finished what need to be finish, changed some of the
5 concepts a little bit and made it operational.

6 So it's not the same business. I would strongly
7 argue against that. It's a different business.

8 Q. Mr. Ali, with regard to the case that brings you here
9 today, you are not familiar with all the facts of this case,
10 correct?

11 A. Correct.

12 Q. It's correct that you are not involved at all in the
13 Federal Child Nutrition Program, correct?

14 A. Correct.

15 Q. To be clear, you have no idea what claims for feeding
16 children were submitted as part of that program, correct?

17 A. Correct.

18 Q. You never served any meals to children as part of that
19 program, correct?

20 A. Correct.

21 Q. Apart from the defendant Mukhtar Shariff, do you know
22 any of the other defendants in this case?

23 A. I think I know one more person. Mahad.

24 Q. Mahad Ibrahim? And today is not his day in court.

25 But you don't know any of the other defendants in

1 that case, correct?

2 A. Maybe names I read, but, no, I don't.

3 Q. And you don't know what any of the 33 witnesses who have
4 testified in this case have said, correct?

5 A. Correct.

6 Q. You haven't heard any of the evidence in this case, as
7 the jury has, have you?

8 MS. FALK: Objection, Your Honor. Beyond the
9 scope.

10 THE COURT: Overruled.

11 You may answer.

12 BY MS. WALCKER:

13 Q. Is that correct?

14 A. I'm not aware.

15 Q. Mr. Ali, the jury has just heard from an expert in East
16 African culture and business practices.

17 Mr. Ali, you are a business owner. You are
18 familiar with Somali culture and business practices,
19 correct?

20 A. Correct.

21 Q. Is it okay in Somali culture to lie, steal or cheat?

22 MS. FALK: Objection. Scope.

23 THE COURT: Sustained.

24 BY MS. WALCKER:

25 Q. Or to steal or cheat, to take food money meant for

1 children?

2 MS. FALK: Objection.

3 THE COURT: Sustained.

4 MS. WALCKER: No further questions, Your Honor.

5 THE COURT: Any redirect?

6 MS. FALK: Yes. May I just have one moment,
7 please?

8 THE COURT: You may.

9 REDIRECT EXAMINATION

10 BY MS. FALK:

11 Q. Mr. Ali, just a couple of questions. Ms. Walcker talked
12 to you about profit. Do you remember that?

13 A. The --

14 Q. Yes.

15 A. Yes.

16 Q. Generally speaking, to run a business and keep it open,
17 do you have to charge a profit so it can sustain itself?

18 A. Yes.

19 Q. You incur expenses, and you have to pay overhead, right?

20 A. Correct.

21 Q. Mr. Ali, do you think that the community center benefits
22 the community?

23 A. Indeed it does. Definitely.

24 Q. And not just the Somali community? Anyone is welcome?

25 A. Everyone in Bloomington. It's been a great center for

1 everyone in Bloomington.

2 MS. FALK: Thank you. No further questions.

3 MS. WALCKER: Nothing further. Thank you, Your
4 Honor.

5 THE COURT: You may step down. Thank you. You
6 are done, yes. Thank you.

7 THE WITNESS: Thank you.

8 THE COURT: Thank you, sir.

9 And the defense may call its next witness.

10 MR. GOETZ: Your Honor, the defense calls Derek
11 Czapiewski.

12 THE COURT: Good afternoon, sir.

13 THE WITNESS: Hello.

14 THE COURT: I will have you come up to the witness
15 stand and stand to take the oath. Raise your right hand.

16 DEREK CZAPIEWSKI,

17 called on behalf of the defendant Mukhtar Mohamed Shariff,
18 was duly sworn, was examined and testified as follows:

19 THE WITNESS: I do.

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

21 And when you are settled, please state and spell
22 both your first and last name for the record.

23 THE WITNESS: Derek Czapiewski. D-E-R-E-K.

24 C-Z-A-P-I-E-W-S-K-I.

25 THE COURT: Thank you.

1 Mr. Goetz, you may inquire.

2 MR. GOETZ: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MR. GOETZ:

5 Q. Good afternoon, Mr. Czapiewski. I want to start by
6 giving the jury a little bit of background about who you
7 are. Okay?

8 So, first of all, where do you work?

9 A. Sysco.

10 Q. And "Sysco" is spelled how?

11 A. S-Y-S-C-O.

12 Q. And what is Sysco?

13 A. A broadline distributor, mostly food service.

14 Q. When you say "broadline distributor," what does that
15 mean?

16 A. Anything from paper and disposables to food, edible
17 goods, cleaning chemicals, things like that.

18 Q. Okay. So as I understand "broadline," you sell a lot of
19 different stuff?

20 A. Correct.

21 Q. Okay. And what is your present position with Sysco?

22 A. I'm a sales consultant.

23 Q. And what does that involve, being a sales consultant?

24 A. Working with my customers or prospects into becoming
25 customers, finding the right products that fit their

1 business needs, selling them those products, having those
2 products delivered, having those products paid for and
3 repeating the process.

4 Q. Got it. Can you tell us your customer base, generally?
5 Who would be some of the type of people or businesses that
6 you would have as customers?

7 A. Generally, restaurants, bar and grills, schools,
8 colleges and universities, dorms. Basically anyone that
9 would want to use any of those products that we distribute.

10 Q. And do you have a geographic area or territory that you
11 are responsible for?

12 A. Yeah. Sure. It's fluctuated over the years. It's
13 currently the greater Minneapolis area.

14 Q. Okay. And you've been with Sysco for how long?

15 A. July 11th, 2011.

16 Q. And before you started with Sysco, can you give just a
17 little bit of background of your education, how far you went
18 in school, that sort of stuff?

19 A. Sure. Yeah. I attended Moorhead State University,
20 achieved my bachelor's degree in Spanish education.

21 Q. And when did you get your bachelor's?

22 A. Where did I?

23 Q. When.

24 A. Oh, when. 20 -- 2005.

25 Q. Okay. And any jobs between graduating from college and

1 going on board with Sysco?

2 A. Sure. The only other job I had between then was at Red
3 Lobster.

4 Q. Okay. And Sysco itself, is it a regional company?
5 National? Can you give the jury some idea how big is Sysco?

6 A. International.

7 Q. And what parts of the world does it operate in?

8 A. Europe, Canada, Mexico, United States. Those are the
9 ones I for sure know, off the top of my head. There's
10 probably more.

11 Q. Do you know where the company is based, where its
12 headquarters are?

13 A. Houston, Texas.

14 Q. Okay. So let's talk about one of your customers or
15 clients. Afrique Hospitality Group. Did you ever have
16 Afrique Hospitality Group as a customer?

17 A. Yes.

18 Q. And when did you have Afrique Hospitality Group as a
19 customer?

20 A. Exact dates, I'm not sure. I could give a range of
21 time.

22 Q. Range is fine for now.

23 A. You know, probably shortly post-COVID until, you know,
24 maybe early 2022, late 2021.

25 Q. Okay. And how did Afrique Hospitality Group -- I'm just

1 going to call it Afrique for short -- become a customer of
2 yours personally?

3 A. I was contacted by an individual that I had worked with
4 in the past at a restaurant in downtown Minneapolis here.

5 Q. And who was that individual?

6 A. Mahad Ibrahim.

7 Q. And you said Mr. Ibrahim was a -- was he a previous
8 customer of yours?

9 A. Yes.

10 Q. With Sysco?

11 A. Yes.

12 Q. And how long had you worked with Mr. Ibrahim before he
13 approached you about Afrique?

14 A. Probably about two years.

15 Q. And you said he ran a restaurant?

16 A. Correct.

17 Q. Do you remember the name of that restaurant?

18 A. Jambo.

19 Q. And it was located where? St. Paul?

20 A. Minneapolis just off of Washington Avenue and -- I
21 forget the crossroads -- near Seven Corners in Minneapolis
22 where 35W and Washington intersect.

23 Q. Sure. So not far from the Cedar-Riverside area of
24 Minneapolis?

25 A. Yes. Perfect.

1 Q. Okay. So when Mr. Ibrahim came to you about Afrique and
2 working with you for that company, do you remember how that
3 started?

4 A. A phone call.

5 Q. And what did he say? Kind of give us the beginning of
6 that relationship.

7 A. It started out I think was he was working on a project
8 down the line, kind of regarding the Child and Adult Food
9 Care Program.

10 Q. Did he tell you what that project was regarding the --
11 what I'll call the Federal Child Nutrition Program?

12 A. I can't recall in detail, just it was this project that
13 he was working on.

14 Q. Okay. And help us understand then how did Sysco fit
15 into what Mr. Ibrahim needed for that project.

16 A. As I said earlier, we're a broadline distributor. We
17 have thousands of products in the warehouse and assist many
18 different types of customers. He knew that we had had those
19 products that he needed for the program based on, I guess,
20 experience with me.

21 Q. Okay. And generally can you tell us what type of
22 products Mr. Ibrahim was looking for from Sysco?

23 A. Whole grain items, fruit and vegetable items, protein
24 items. That would be the most of it that I can recall.

25 Q. Dairy?

1 A. Dairy. Yes, dairy. Even disposables, I guess, to pack
2 these things in too, if you want to get down to the detail.

3 Q. Okay. And so I'm simplifying it, but he came to you,
4 tell you about the project, talked about his needs.

5 Then how did the kind of working relationship go
6 from there? Did he place an order or what happened?

7 A. Well, I guess like once the project was going, we
8 identified the products he would need to use to fit the
9 menu.

10 Q. And was an account opened under the name of Afrique
11 Hospitality Group with Sysco?

12 A. Yes.

13 Q. And who was the main contact for that account?

14 A. My main contact would have been Mahad.

15 Q. And so you talked about a menu. How did it go from the
16 point of starting it in terms of, you know, the orders, how
17 frequent were they, you know, who made the determination of
18 what to order? Just give us a general overview of how that
19 worked.

20 A. So we would touch base weekly on what the needs were for
21 that week. We would use I guess what I call food service
22 math to figure out case quantities, based on the number of
23 individuals that needed to be served. We would set up the
24 deliveries, I believe weekly they were. Maybe depending on
25 the supply chain and when we received products, there may

1 have been a couple of deliveries per week as well too.

2 Q. So you mentioned supply chain. This was during the
3 pandemic, right?

4 A. Correct.

5 Q. So were there supply chain issues or challenges?

6 A. Frequently.

7 Q. Okay. But if you were out of, you know, item X, would
8 you talk about substitutes, you know, item Y that would fill
9 the same sort of nutritional component?

10 A. Correct. Yes.

11 Q. And did that sort of weekly order process continue then
12 for the entire duration of your working relationship with
13 Afrique?

14 A. Yes.

15 Q. And was it always Mahad Ibrahim who placed those orders?

16 A. To the best of my knowledge, yeah.

17 Q. Did you ever have contact with Mukhtar Shariff?

18 A. I have, yes.

19 Q. Okay. Can you give us an idea of the comparison between
20 the extent of your contact with Mukhtar Shariff related to
21 placing the orders as opposed to Mahad Ibrahim?

22 A. I don't recall working with Mukhtar Shariff on the
23 actual order placement, as often as with Mahad anyway.

24 Q. Okay. So let's -- you talked about a couple things,
25 quantities -- what is it? Food service quantities you

1 talked about or some term?

2 A. Food service math.

3 Q. Food service math. There you go. Let's delve into that
4 a little bit and help us understand some of the documents
5 that we've already got in evidence.

6 A. Sure.

7 Q. Could we look at D7-23, please?

8 So I want to look at the first page of
9 Exhibit D7-23. Do you recognize this, generally?

10 A. Yes.

11 Q. So the jury's seen this document before, but I just want
12 to go through it with you, just to help us all understand
13 how to read this document and what it shows. Okay?

14 A. Sure.

15 Q. So let's start with the, the upper section, everything
16 above Item Description. So what do we see on the left here
17 at the top? Afrique Hospitality Group. What does that tell
18 us?

19 A. Business name. The top one will be the bill to, I
20 guess, address. The bottom one would be the ship to
21 address.

22 Q. Okay. So what has just been highlighted is bill to
23 address, correct?

24 A. Yes. Correct.

25 Q. And then right below it is the ship to address?

1 A. That's correct.

2 Q. And in this case they're the same, correct?

3 A. Yes.

4 Q. And then obviously Sysco Minnesota, that's the branch of
5 Sysco that the customer relationship is with; is that right?

6 A. Yeah, that P.O. box is just where payments would be
7 mailed to.

8 Q. Okay. And then Delivery Date. Can you help us
9 understand this section over here?

10 A. Sure thing, yeah. Delivery Date just shows the date of
11 the delivery.

12 Q. And what else do we see in this section generally, these
13 boxes on the right side?

14 A. So I guess if we go down that column, the Truck Stop box
15 just indicates, you know, what stop it is on that route.
16 001 would just mean it's the first stop on the route.

17 Route 4999 and the next box below it just
18 indicates the route number.

19 If we move over, I guess, on the row above where
20 it says Customer, the 930149, that just identifies the
21 account number, the ship to account number.

22 Q. Okay. So that would be Afrique's customer number with
23 Sysco?

24 A. Correct.

25 Q. Invoice Number, I guess that speaks for itself.

1 And then we have the MA: S032 with your name.

2 Can you tell us what that is?

3 A. So before we were sales consultants, we were marketing
4 associates. So the MA stands for marketing associate. S032
5 was my territory number. And that's my name.

6 Q. And your name. Got it. Okay. Thank you.

7 So then let's go to the order itself. If we can
8 sort of look at, say, the top, top half on the item and just
9 kind of work through it left to right.

10 So under the QTY -- I assume that's for quantity;
11 is that right?

12 A. That's correct.

13 Q. So what do we see under the QTY column?

14 A. Under the QTY column would just be the quantity of cases
15 that were delivered or charged on that invoice.

16 Q. All right. And the next column over to the right, CONT
17 in very small font. What does that tell us?

18 A. It stands for container. The CS indicates that it's a
19 full case. And EA would indicate it's in each or a break, a
20 split of a case, a partial case.

21 Q. Okay. And Pack column, what do we see in there?

22 A. Cases that are sold generally come in a pack size
23 description, so you know how many of what size product you
24 are getting in that case.

25 Q. And the Size column, what does that tell us?

1 A. The size of the container or each individual product
2 that's in the case.

3 Q. And then the Item Description describes what we're
4 getting?

5 A. Correct.

6 Q. So if I understand this, the top line, there was an
7 order for 325 cases of whole milk with 4 1-gallon containers
8 in each case. Did I read that correctly?

9 A. 1 percent milk, but the rest was correct, yeah.

10 Q. Oh, I see 1 percent. Got it.

11 And then the next line, that would be 16 cases of
12 mozzarella string cheese? Is that what we're looking at
13 there?

14 A. Yes. Correct.

15 Q. 1-ounce packs. And 168 1-ounce packs in each case. Did
16 I read that correctly?

17 A. Yes.

18 Q. Okay. All right. And so on throughout these, the rest
19 of these invoices, correct?

20 A. Mm-hmm. Yes.

21 Q. And then on the far right-hand column, we have the Unit
22 Price and the Extended Price. Can you help us understand
23 those columns?

24 A. Yep. So the unit price stands for the cost of each case
25 that was ordered or invoiced. And then the extended price

1 would be the unit price multiplied by the quantity of cases.

2 Q. All right. So for our milk example, it cost \$14 a case,
3 and the total for the 325 cases of milk is \$4,550?

4 A. Yes.

5 Q. Et cetera. All right.

6 Let's look at the bottom section of the invoice
7 then. We have some signatures, driver's signature, customer
8 signature. What are we looking at here?

9 A. So this part here is where the driver signs off saying
10 that they delivered the product, the customer signs off
11 saying that they had received the product.

12 The other detailed information in there, like
13 where it says Cases, just indicates the total number of
14 individual cases and then, you know, total weight, cubic
15 feet, volume or whatever of all those cases.

16 The next window where it says Open, Close, is just
17 the delivery window that the drivers have to execute the
18 delivery.

19 Q. Okay.

20 A. It looks like then the Signed and Time just shows when
21 the delivery was executed.

22 Q. Okay. So the delivery window here was on February 11,
23 2021, sometime between 7:00 a.m. and 1:00 p.m.?

24 A. Correct.

25 Q. And the delivery address, again, if we can step out of

1 this, is Afrique Hospitality Group, 1701 American Boulevard
2 East, Bloomington, Minnesota, correct?

3 A. Yes.

4 Q. All right. Let's just jump to one other page.

5 And I will tell you this exhibit has 192 pages.
6 We're not going to go through every one, but just to get the
7 format down.

8 We're looking at page 3. So, again, if we can
9 just highlight the top couple entries under Item
10 Description. So, say, let's pick the muffins. It's the
11 apple cinnamon muffins, is that right, the fourth item down?

12 A. Yes.

13 Q. The LOC, what does that tell us, on the far left?

14 A. Where are you seeing LOC?

15 Q. On the far left.

16 A. Oh, location. Storage location that we have either in
17 the warehouse or in the truck when transporting.

18 Q. Okay. So this particular order then -- and this would
19 be for the next week February 18, 2021 -- this included
20 20 cases of these apple cinnamon muffins. Each muffin is
21 2 ounces. There is 72 in a case, and, again, there is
22 20 cases. Unit price \$38 for a case, for a total cost of
23 \$760. Did I read that correctly?

24 A. Yes.

25 Q. All right. So we have also in evidence -- if we can go

1 to D7-24.

2 Are you familiar with this document,
3 Mr. Czapiewski?

4 A. Yes, I am.

5 Q. So tell us generally what we're looking at here.

6 A. This is what we call our Descending Dollar Report.

7 Q. And what is a Descending Dollar Report?

8 A. A Descending Dollar Report lists the items purchased by
9 a customer in order from most dollars spent to least dollars
10 spent on the items purchased --

11 Q. And --

12 A. -- during a time period, a given time period.

13 Q. Okay. And will this also tell us the total dollars
14 spend by a customer during a particular time period?

15 A. Yes.

16 Q. So the total spend from a customer from Sysco for a
17 given time period?

18 A. Yes.

19 Q. And if we can just highlight the top few lines.

20 Just thinking back to those invoices that we just
21 looked at, we see Afrique -- the customer ID that's for
22 Afrique Hospitality Group, correct?

23 A. Yes.

24 Q. And we have the address 1701 American Boulevard. And
25 then the 2/11/2021, there's a number to the left of that.

1 Is that the invoice number?

2 A. Correct.

3 Q. So that's the invoice that we just looked at, at least
4 the first part of that, a few moments ago.

5 And then looking at the far right, if we can just
6 maybe focus on the top few lines and blow that up a little
7 bit.

8 So going across, what do we see the numbers on the
9 right-hand side? Can you just walk us through those?

10 A. Sure. Yes. So beginning with the 732, that would just
11 indicate the total number of cases that were on that
12 invoice.

13 The \$16,394.42 is the dollar amount of that
14 invoice.

15 And the 22.40 is just the average cost per case of
16 that invoice.

17 Moving down the line, the 22,192.80 is the weight
18 of the delivery.

19 I never really analyzed these numbers, but the .74
20 I guess is just the average cost per pound of that delivery.

21 And then the, again, the 16,394 is just repeating
22 that total sales of the invoice.

23 Q. Okay. All right. Thank you.

24 So as we're looking at the document then in sort
25 of its totality, we have invoice after invoice after

1 invoice, week after week, month after month, they are all
2 compiled in this summary document, correct?

3 A. Correct.

4 Q. And there is -- let's go to the total where it says
5 Count 28, that line for the first, first section.

6 What does this tell us, which is Count 28 totals
7 for 930149?

8 A. 28 would just be the number of invoices or deliveries
9 for that time period for that Customer Number 930149.

10 7,295 is the case quantity for all of those
11 invoices combined.

12 The 134,161.39 is the total of the invoices for
13 that customer for that time period.

14 Q. The dollar total?

15 A. Yep. And then, again, the 18.39 is just that average
16 cost per case, if you take the 134,161.39 divided by the
17 7,295.

18 Q. And then we have the total weight of the orders --

19 A. Yep.

20 Q. -- during that time period. The average weight of
21 the -- no -- average price -- I'm sorry.

22 A. Or pound.

23 Q. Price per pound.

24 A. Right.

25 Q. All right. And then, again, the dollar figure for this

1 time period, \$134,161.39?

2 A. Yes.

3 Q. Okay. So as I go through this, the next section we have
4 Afrique Minneapolis, but then there's a different address.

5 Can you just help us understand what that reflects?

6 A. It's a different distribution location, I believe.

7 Q. Okay. If we could just highlight that.

8 All right. So same customer, it's Afrique, but a
9 different delivery location, correct?

10 A. Different account number, different delivery location,
11 yes.

12 Q. Okay. But the formatting for this section is just the
13 same as the above with the order numbers and then the totals
14 that we just went through, correct?

15 A. Exactly the same, yeah.

16 Q. So for this period the total orders would be \$98,051.94?

17 A. Correct.

18 Q. All right. So if we can go to the next section. So the
19 next was Afrique. Then the delivery location changed to
20 Owatonna, 3445 Hoffman Drive Northwest, correct?

21 A. Yes.

22 Q. But the same formatting in terms of how this document
23 keeps track of what was ordered and -- or the volume of the
24 order and the cost of the order, correct?

25 A. Yes.

1 Q. All right. If we can go to the next page.

2 And then the next delivery location is on
3 9124 Grand Avenue South in Bloomington, correct?

4 A. Yes.

5 Q. All right. And if we can go to the last page. Okay.

6 So we have every section has a total, correct,
7 here that --

8 And maybe it's easier to go to the page just
9 before.

10 So every section at the bottom where it says
11 Count, it will have the total dollars purchased, correct?

12 A. Yes.

13 Q. And as I add up all the total purchases on this
14 document, I came up with \$1,593,158.67. Does that seem
15 accurate?

16 A. Without doing the math, it does seem accurate.

17 Q. Okay. So the final questions I have then. You talked a
18 few moments ago about your customers.

19 Do you have some customers that were involved in
20 the Federal Child Nutrition Program other than Afrique?

21 A. I have currently and have had in the past, yes.

22 Q. All right. Can you just describe for the jury what type
23 of entities you might have as customers who operate in the
24 space of the Federal Child Nutrition Program?

25 A. Sure. A majority of them are schools and day care type

1 programs, caterers as well that service these other smaller
2 or private schools or day cares that don't have the
3 facilities or the equipment to provide meals themselves.

4 Q. Can you tell us then, looking at the amount of food that
5 Afrique purchased and basically the size of that customer
6 account in this Federal Child Nutrition Program space, as
7 opposed to other customers you've had in that space, how
8 does Afrique compare in terms of how big it is?

9 A. In terms of the customers that I've had, the largest
10 one.

11 Q. Would it be a large or a small account for you,
12 generally?

13 A. Large.

14 Q. Thank you, sir. I have no further questions.

15 THE COURT: Thank you.

16 We will take our lunch break at this time, and
17 we'll return at 1:30.

18 I'll have you on the stand at 1:30.

19 THE WITNESS: Sure.

20 THE COURT: Okay. All rise for the jury.

21 **IN OPEN COURT**

22 **(JURY NOT PRESENT)**

23 THE COURT: See everyone at 1:30.

24 (Recess taken at 12:30 p.m. till 1:32 p.m.)

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IN OPEN COURT

(JURY PRESENT)

THE COURT: You may all be seated.

I take it no other defense counsel wishes to examine?

All right. Then, Mr. Thompson, you may cross-examine.

MR. THOMPSON: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. THOMPSON:

Q. Good afternoon, Mr. Czapiewski.

A. Good afternoon.

Q. Welcome back.

A. Thank you.

Q. Before lunch we were looking at Defense Exhibit D7-024; is that right?

A. Yes.

Q. And you were shown this. This is some records of Sysco; is that right?

A. Correct. Yep.

Q. And it's for a number of accounts with Sysco; is that right?

A. Yes.

Q. Under the name of Afrique Hospitality?

A. Yes.

1 Q. And if I understand this correctly, there's multiple
2 accounts under the name Afrique Hospitality?

3 A. That's correct.

4 Q. Or there was back in 2021?

5 A. Yes.

6 Q. Looking here at the first page of Exhibit D7-24, and
7 this is the first account there. What's the date of the
8 first invoice?

9 A. February 11th, 2021.

10 Q. And what does that mean? What's that date mean?

11 A. That would be the date that that delivery occurred.

12 Q. Okay. So the first delivery. And this one was
13 February 11, 2021?

14 A. Correct. Yeah.

15 Q. And on the second account, Afrique account, the first
16 date listed for delivery is May 20th, 2021; is that right?

17 A. Correct. Yep.

18 Q. On the third one, the first date of delivery is
19 July 28th of 2021; is that right?

20 A. Yes.

21 Q. And directing your attention to the second page, the
22 fourth account, what's the date of the first delivery?

23 A. October 6th, 2021.

24 Q. And that's all the accounts, correct?

25 A. Yes.

1 Q. And now directing your attention to Exhibit D7-23, this
2 is that stack of invoices; is that right?

3 A. Yes.

4 Q. I believe they're in chronological order; is that right?
5 Is that your understanding?

6 A. I haven't seen the stack, but I take your word for it.

7 Q. This is the first one, though, anyway?

8 A. Yep.

9 Q. February 11, 2021?

10 A. Yep.

11 Q. So that's the date -- the first date that Sysco
12 delivered food to Afrique Hospitality Group, correct?

13 A. Yes.

14 Q. I'd like to show you what's been admitted as Government
15 Exhibit C-361, which is a file of meal counts that was
16 recovered during the search of Feeding Our Future.

17 And as you can see here, there's meal counts
18 submitted for January of 2021; is that right?

19 A. That's what that form says, yeah.

20 Q. Okay. That's what the form says?

21 A. Mm-hmm.

22 Q. How many -- it says 2,000 meals a day, correct?

23 A. Yeah, that's what I read.

24 Q. Every day?

25 A. Yep.

1 Q. Are you familiar with the site Dar Al-Farooq?

2 A. No.

3 Q. Okay. In any event, these meal counts were submitted
4 before the first delivery from Sysco to Afrique Hospitality
5 Group on February 11, 2021; is that right?

6 A. Yeah, that's what the invoice states anyway.

7 Q. So I take it to the extent that these meals were served,
8 they were not served using food from Sysco; is that right?

9 A. That makes sense to me.

10 Q. Now, I want to ask you a little bit more. You said
11 during your direct I believe that you would consult with a
12 man named Mahad Ibrahim; is that right?

13 A. Yes.

14 Q. And he was somehow affiliated with Afrique Hospitality
15 Group?

16 A. Yes.

17 Q. Did you understand the nature of his relationship with
18 Afrique?

19 A. Not really, no. Maybe like a purchasing agent.

20 Q. Okay. Your main point of contact, though?

21 A. Yeah.

22 Q. Okay. He handled the ordering?

23 A. Yes.

24 Q. Did he handle the payment?

25 A. I don't know.

1 Q. Was he the one you would give the invoices to?

2 A. The invoices would be given to the customer upon
3 delivery.

4 Q. Okay. You said that you and Mahad Ibrahim would discuss
5 meal quantities; is that right?

6 A. Yes.

7 Q. And the amount of food that was needed?

8 A. Yes.

9 Q. Based on a menu?

10 A. Yes.

11 Q. And based on the amount of kids to be served at the
12 site; is that right?

13 A. (Moves head up and down.)

14 Q. Now, I want to ask you a little bit about that, because
15 there's lots of sites involved in this case. I'm not sure
16 if you are aware of that.

17 A. Sure. Yep.

18 Q. Mahad Ibrahim was associated with an entity called the
19 ThinkTechAct Foundation; is that right?

20 A. I'm not sure.

21 Q. Have you heard of another entity called Mind Foundry?

22 A. No.

23 Q. Okay. You are not aware that this was a nonprofit that
24 Mahad Ibrahim had started?

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

1 THE COURT: Overruled.

2 The answer is, Are you aware -- or the question
3 is, Are you aware.

4 THE WITNESS: Yeah, not aware of any.

5 BY MR. THOMPSON:

6 Q. Are you aware that ThinkTechAct Foundation or Mind
7 Foundry was the entity that purported to run these food
8 distribution sites?

9 MR. GOETZ: Objection, Your Honor. Foundation.
10 Counsel is testifying.

11 THE COURT: Overruled.

12 You may answer if you can.

13 THE WITNESS: Can you repeat the question, please?

14 BY MR. THOMPSON:

15 Q. Were you aware that ThinkTechAct Foundation and its
16 other name Mind Foundry were the entities purporting to run
17 these food distribution sites?

18 A. No.

19 Q. You are not aware of that?

20 A. I was not aware of that.

21 Q. Okay. Were you aware of another entity called Empire
22 Cuisine & Market?

23 A. I was aware of that.

24 Q. And that's another entity run by a guy named Abdiaziz
25 Farah?

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

2 THE COURT: Overruled.

3 You may answer if you can.

4 THE WITNESS: I don't know for sure.

5 BY MR. THOMPSON:

6 Q. Are you -- have you met Abdiaziz Farah?

7 A. Yes.

8 Q. In the context of the food program?

9 A. I believe when we met him, it was in the context of
10 getting an account set up.

11 Q. Okay. And so he had an account with Sysco as well?

12 A. Yes.

13 Q. And is it true that -- well, is it your understanding
14 that there was a relationship between Afrique Hospitality
15 and Empire Cuisine & Market?

16 A. To my understanding, yes.

17 Q. And, in fact, I think -- is it your understanding that
18 you thought they were sort of the same entity or they had
19 merged at some point?

20 A. Potentially, yeah.

21 Q. And that's because they were paying each other's
22 invoices?

23 A. I don't know about the paying the invoices. Yeah, not
24 on that, I can't speak to that.

25 Q. Why did you think they had merged?

1 A. Just that there was maybe communications about the
2 program itself, you know, products used, things like that.

3 Q. Okay. You talked to both Abdiaziz Farah --

4 A. Yeah.

5 Q. -- and Mahad Ibrahim?

6 A. Yes.

7 Q. Did you talk to Mukhtar Shariff about the food program?

8 A. Not about the food program, no.

9 Q. Did you talk to him about Afrique Hospitality?

10 A. Yes. Again, setting up the account stuff.

11 Q. With connection to the food program or some other
12 account?

13 A. Yes.

14 Q. Okay. Okay. So the food that -- the invoices that you
15 went through this morning with counsel, was it your
16 understanding those were for sites run by Afrique
17 Hospitality?

18 A. Yes.

19 Q. Or were they for sites run by ThinkTechAct?

20 A. Afrique Hospitality.

21 Q. Okay. Were they, they sites for Empire Cuisine &
22 Market?

23 A. No.

24 Q. Okay. Were you aware that some of those invoices were
25 submitted to Feeding Our Future by Empire Cuisine & Market?

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

2 THE COURT: Overruled.

3 You may answer.

4 THE WITNESS: I was unaware.

5 BY MR. THOMPSON:

6 Q. You were not aware of that?

7 A. Yeah.

8 Q. You were not, okay. You don't know why that would have
9 happened?

10 A. No. I guess can you repeat the question, just to make
11 sure?

12 Q. Were you aware that if Sysco invoices to Afrique
13 Hospitality were submitted to Feeding Our Future -- I'm
14 sorry -- to Partners in Nutrition on behalf of -- or by
15 Empire Cuisine & Market?

16 A. No. Unaware.

17 Q. Okay. Your understanding was all the food was for
18 Afrique Hospitality?

19 A. Yes. Correct.

20 Q. And is it your understanding that Afrique Hospitality
21 was selling some of this food to other sites or other
22 entities involved in the food program?

23 A. No, I don't think they were selling to other sites.

24 Q. Okay. You don't know about that?

25 A. Yeah.

1 Q. Let me ask you some specific questions.

2 A. Sure.

3 Q. I am going to show you what's been admitted as
4 Government Exhibit O-20 at page 201. And this is a check
5 from ThinkTechAct Foundation to Afrique Hospitality Group
6 for \$89,990 for CACFP food.

7 Was it your understanding that Afrique Hospitality
8 Group was selling food to ThinkTechAct Foundation?

9 A. Not to my understanding, no.

10 Q. I'm going to show you now Government Exhibit O-20 at
11 page 219, which is a check from Empire Cuisine & Market to
12 Afrique Hospitality for \$185,000 for food service.

13 Were you aware of Afrique Hospitality selling food
14 to Empire Cuisine & Market?

15 A. I was not aware, no.

16 Q. Were you aware that Empire Cuisine & Market was involved
17 in the Federal Child Nutrition Program?

18 A. To my understanding, they were.

19 Q. Is it your understanding that the food that Sysco
20 provided to Afrique Hospitality was going to Empire Cuisine
21 & Market sites?

22 A. Not to my understanding, no.

23 Q. So do you know why Empire Cuisine & Market would be
24 writing a check like this to Afrique Hospitality?

25 A. I do not know why.

1 Q. I'm showing you now page 221 of Government Exhibit O-20,
2 which is a check from St. Cloud Somali Athletic Club to
3 Afrique Hospitality Group for \$175,000 for supplies.

4 Are you familiar with this entity St. Cloud Somali
5 Athletic Club?

6 A. I am not familiar with that group, no.

7 Q. Is it your understanding that Afrique Hospitality Group
8 was selling food to that entity?

9 MR. GOETZ: Objection, Your Honor. Foundation.
10 He said he's not familiar.

11 THE COURT: Overruled.

12 You may answer.

13 THE WITNESS: It was not, to my understanding.

14 BY MR. THOMPSON:

15 Q. I'm showing you now what's been admitted as Government
16 Exhibit F-1k at page 29.

17 Were you aware that the St. Cloud Somali Athletic
18 Club was involved in the Federal Child Nutrition Program?

19 MR. GOETZ: Objection, Your Honor. Foundation.
20 Also scope.

21 THE COURT: Well, overruled.

22 Is this the last one on this entity?

23 MR. THOMPSON: Yes, Your Honor.

24 THE COURT: You may answer.

25 THE WITNESS: I was unaware.

1 BY MR. THOMPSON:

2 Q. I assume that Mahad Ibrahim didn't talk to you about
3 these other locations when you discussed meal patterns and
4 the amount of food needed; is that right?

5 A. That's correct.

6 Q. I'm showing you now page 195 of Government Exhibit O-20,
7 which is a check from Active Mind's Youth LLC to Afrique
8 Hospitality Group for \$44,000 for food expense.

9 Were you aware -- well, first off, have you heard
10 of Active Mind's Youth?

11 A. I have not heard of Active Mind's Youth.

12 Q. Was it your understanding that they were involved in the
13 Federal Child Nutrition Program?

14 A. It was not, to my understanding, no.

15 Q. Did anyone talk to you about Afrique Hospitality Group
16 providing food for Active Mind's Youth's Child Nutrition
17 Program sites?

18 A. No, they did not.

19 Q. I'm showing you now what's been admitted as Government
20 Exhibit C-489 at page 3.

21 Were you aware that Active Mind's Youth claimed to
22 be providing meals to 2,020 kids a day?

23 MR. GOETZ: Your Honor, objection. Foundation.
24 Scope.

25 MR. THOMPSON: Your Honor.

1 THE COURT: I'm going to overrule and allow --
2 Well, go ahead, Mr. Thompson.

3 MR. THOMPSON: Your Honor, I think it's relevant
4 to the testimony before about his conversations with Mahad
5 Ibrahim.

6 THE COURT: So I'm going to allow a number of
7 questions about each of these entities, but not to have too
8 many of them.

9 MR. THOMPSON: Yeah.

10 THE COURT: And so we'll keep it kind of narrow.

11 MR. THOMPSON: Okay.

12 THE COURT: So it's overruled.

13 And you may answer. Thank you.

14 THE WITNESS: I think the answer was not to my
15 knowledge, but could you repeat it just again.

16 BY MR. THOMPSON:

17 Q. Were you aware that Active Mind's Youth ran a Federal
18 Child Nutrition Program site at which they claimed to be
19 providing meals to more than 2,000 children a day?

20 A. No, I was not aware.

21 Q. Did you and Mr. Ibrahim discuss Afrique Hospitality
22 Group providing meals for a site of that magnitude?

23 A. We did not, no.

24 Q. I'm showing you now page 197 of Government Exhibit O-20.
25 And this is a check from Inspiring Youth and Out Reach LLC

1 to Afrique Hospitality Group for \$84,000.

2 Are you aware of Inspiring Youth and Out Reach
3 LLC?

4 A. I am not aware of them, no.

5 Q. Is it your understanding that it was involved in the
6 Federal Child Nutrition Program?

7 A. I was not aware, no.

8 Q. I'm showing you Government Exhibit C-504 at page 2.

9 Were you aware that Inspiring Youth and Out Reach
10 claimed to be serving meals to over 1500 kids a day back in
11 April of 2021?

12 A. I was not aware.

13 Q. Did Mr. Ibrahim or anyone else talk to you about Afrique
14 Hospitality providing food for a site of that magnitude?

15 A. They did not, no.

16 Q. I'm showing you now what's been admitted as -- or this
17 is page 217 of Government Exhibit O-20, which is a check
18 from Star Distribution LLC to Afrique Hospitality for
19 \$98,000. Do you see that?

20 A. Mm-hmm.

21 Q. Memo line says for food supplies. Are you aware of an
22 entity called Star Distribution?

23 A. I am not aware of it, no.

24 Q. Were there any discussions about Afrique Hospitality
25 using the Sysco food to provide supplies to Star

1 Distribution LLC?

2 A. No specific discussions at all, no.

3 Q. Are you aware of whether it was involved in the Federal
4 Child Nutrition Program?

5 A. I am not aware.

6 Q. I'm showing you now page 213 of Government Exhibit O-20,
7 which is a check from United Youth of Minneapolis to Afrique
8 Hospitality for \$49,000.

9 Are you familiar with United Youth of Minneapolis?

10 A. I am not aware.

11 Q. The memo line says food. Were you aware whether Afrique
12 Hospitality was providing food to United Youth of
13 Minneapolis?

14 A. I am not aware.

15 Q. And I'm showing you what's been admitted as Government
16 Exhibit C-566 at page 2.

17 Were you aware that the United Youth of
18 Minneapolis entity was claiming to be serving more than 2600
19 kids a day back in June of 2021?

20 A. I was not aware, no.

21 Q. Did Mahad Ibrahim talk to you about buying enough food
22 from Sysco to supply that and all these other sites that we
23 talked about here?

24 A. I guess, yeah, if you're talking about the weekly
25 discussions we had, doing the food service math stuff, but

1 those were the only discussions we had about quantities of
2 food needed.

3 Q. He was talking about Afrique sites; is that right?

4 A. Correct.

5 Q. Not these other ones we've been talking about here
6 today?

7 A. No.

8 Q. Thank you.

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

10 THE COURT: Any redirect, Mr. Goetz?

11 MR. GOETZ: Yes, Your Honor.

12 REDIRECT EXAMINATION

13 BY MR. GOETZ:

14 Q. Mr. Czapiewski, just a few questions in relation to what
15 you were just asked by Mr. Thompson.

16 So he showed you a bunch of checks. The bottom
17 line is you don't know anything about any of those checks,
18 right?

19 A. That's correct.

20 Q. You don't know what they were for, correct?

21 A. I do not.

22 Q. You don't know who requested them, in terms of payment?

23 A. I do not.

24 Q. And you don't know what the payment was for, right?

25 A. I do not.

1 Q. But what you do know is that you had a customer Afrique
2 Hospitality Group, correct?

3 A. Yes.

4 Q. One of the, if not the largest account that you had
5 dealing with the Federal Child Nutrition Program, correct?

6 A. Yes.

7 Q. With any customer, what they do with the food is really
8 not within the relationship, right? Once you sell the
9 customer to the food, they can do whatever they want with
10 it, right?

11 A. Correct.

12 Q. Okay. So you're -- correct me if I am wrong, but your
13 communications with Mr. Ibrahim would have been focused on
14 what, what he communicated to you as an order and how you
15 could fill it and where it should be delivered, right?

16 A. Yes. Correct.

17 Q. Okay. And in terms of the -- you know, counsel was
18 asking these questions about meal claims and disbursements
19 and stuff like that.

20 I mean, you don't know that part of the Federal
21 Child Nutrition Program. What I mean is how a claim for
22 reimbursement is filed and processed and goes up the chain
23 through the sponsor to the Minnesota Department of Education
24 to the U.S. Department of Agriculture and the funds come
25 back. That's not your area, is it?

1 A. Correct, that is not my area.

2 Q. Okay. But are you aware that Afrique had other food
3 vendors besides Sysco?

4 A. Yes.

5 Q. Omar Tuna? Are you familiar with that company?

6 A. Yes.

7 Q. U.S. Halal Foods? Are you familiar with that company?

8 A. Yes.

9 Q. Costco? You familiar with that company?

10 A. Yes.

11 Q. Okay. Afro Produce? Are you familiar with that
12 company?

13 A. No.

14 Q. Sam's Club?

15 A. Yes.

16 Q. Okay. Sysco is a big company with a lot of brands. But
17 if it comes to some cultural specific food groups, would it
18 be the case that you may not carry very narrow culturally
19 specific foods?

20 A. That is correct. We don't always have every dietary
21 need at the time.

22 Q. Okay. And so if you had food going to a largely Somalia
23 or East African population, Sysco might have a lot of the
24 food products, but it might not have everything?

25 A. Correct. Yep.

1 Q. Thank you. That's all the questions I have.

2 THE COURT: Thank you, sir. You may step down.

3 THE WITNESS: Thank you.

4 MR. GOETZ: Your Honor, the defense would call
5 Khalid Omar.

6 THE COURT: Hello, sir. You may come forward, and
7 you are going to go right past the jury here. You are
8 aiming for the witness chair. Right up here.

9 And I will have you stand to take the oath, and
10 then you may be seated. Would you raise your right hand?

11 KHALID OMAR,

12 called on behalf of the defendant Mukhtar Mohamed Shariff,
13 was duly sworn, was examined and testified as follows:

14 THE WITNESS: Yes.

15 THE COURT: Thank you. You may be seated. And
16 you are going to speak into that microphone there.

17 Could you please state and spell both your first
18 and last name for the record?

19 THE WITNESS: My first name is K-H-A-L-I-D. Last
20 name is Omar, O-M-A-R.

21 THE COURT: Thank you.

22 Mr. Goetz, you may inquire.

23 MR. GOETZ: Thank you, Your Honor.

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DIRECT EXAMINATION

BY MR. GOETZ:

Q. Good afternoon, sir. Do you have knowledge of food being distributed at the Dar Al-Farooq Islamic Center during the year 2021?

A. Yes.

Q. Is that something you witnessed yourself?

A. Yes.

Q. Was it real food?

A. Yes.

Q. And was it given to real people?

A. Yes.

Q. We're going to come back and talk more about that; but before I do that, let's talk a little bit about you, just so the jury knows a little bit about your background. Okay?

A. Okay.

Q. So how old are you?

A. 27.

Q. Okay. Where were you born?

A. I was born in Somalia.

Q. Okay. Where in Somalia?

A. I don't know. I don't know.

Q. Okay. Where did you grow up?

A. I grew up in, I grew up -- I came here at a young age.

So pretty much my life, I grew up in the south suburbs of

1 Minnesota.

2 Q. Twin Cities?

3 A. Twin Cities, yeah.

4 Q. So you came here as a very young child; is that right?

5 A. Correct.

6 Q. How far did you go in school?

7 A. I graduated into my -- with my bachelor's.

8 Q. All right. Let's start with high school. Where did you
9 go to high school?

10 A. I went to Apple Valley High School.

11 Q. All right. And you graduated. And then you went to
12 college?

13 A. Correct.

14 Q. Where did you go to college?

15 A. I went to St. Catherine's University.

16 Q. In St. Paul?

17 A. Correct.

18 Q. All right. What year did you graduate?

19 A. I graduated 2020.

20 Q. And did you have post-college education?

21 A. I started, but still continuing.

22 Q. Okay. What are you studying?

23 A. I switched and now I'm studying -- want to study
24 master's in business administration.

25 Q. Okay. Good for you. Where are you doing that?

1 A. I haven't started, but I'm planning to start either this
2 fall or next year.

3 Q. Okay. Great.

4 Let's talk about your employment background.

5 Where do you work now?

6 A. Right now I work at the Bloomington mosque, and I also
7 work at a humanitarian organization.

8 Q. Okay. By "the Bloomington mosque," does that have
9 another name?

10 A. Yes. That's the Dar Al-Farooq Center.

11 Q. Okay. And the other place where you work, what is the
12 name of that?

13 A. I work at the Human Development Fund.

14 Q. What do you do with the Human Development Fund?

15 A. I, I mean, I do -- I'm the director of operations and
16 events.

17 Q. Can you tell us a little bit about what kind of work you
18 do at the Human Development Fund? Or let me put it this
19 way. What kind of work does the Human Development Fund do?

20 A. It's a humanitarian organization, and it provides, you
21 know, food, meal to multiple countries globally.

22 Q. Okay. And they're based here in the Twin Cities?

23 A. Yes.

24 Q. Okay. Good for you.

25 How long have you been doing that?

1 A. I started about six months ago.

2 Q. Okay. And how long have you been working at
3 Dar Al-Farooq?

4 A. I've been working at Dar Al-Farooq since August of 2022.

5 Q. Okay. Now, did you have any connection with
6 Dar Al-Farooq before August of 2022?

7 A. Yes.

8 Q. What was your connection with the mosque before that
9 time?

10 A. I was a community member.

11 Q. And as a community member, what kind of -- did you just
12 attend prayer there and Friday services, or did you have
13 other involvement in the community?

14 A. I volunteered. I prayed my five daily -- I tried to
15 pray my five daily prayers there, and, you know, I was an
16 active community member --

17 Q. What kind of --

18 A. -- at the mosque.

19 Q. Thank you. What kind of volunteer things did you do at
20 the mosque?

21 A. I helped with like -- you know, we have an annual
22 conference that we do. We have different activities, such
23 as Eid carnivals and just like a regular -- any activities
24 that come up, I tried to be, you know, try to be available
25 to help my community.

1 Q. Okay. And that was Eid carnival, E-I-D?

2 A. Yes, Eid. That's our holiday.

3 Q. Okay. And just for the jury and those that are not
4 familiar with Eid, when does Eid fall on the calendar?

5 A. We have two Eids. One falls right after the month of
6 Ramadan, which is a whole month of fasting. And then
7 Eid al-Adha is the second Eid, and that takes place a couple
8 months after the first one.

9 Q. Okay. Before you started working with Dar Al-Farooq,
10 were you ever working for the Bloomington School District?

11 A. Yes.

12 Q. Tell the jury about when you worked for the Bloomington
13 School District.

14 A. I was working in the Bloomington Public School
15 District -- I started 2016. I worked there till 2019. And
16 then I came back around right after COVID, but I don't know
17 exactly when, but I was working in the month throughout --
18 in 2021, in 2020, I believe so.

19 Q. 2020, 2021 --

20 A. Yes.

21 Q. -- you were working for Bloomington schools?

22 A. Correct.

23 Q. What kind of work were you doing with the Bloomington
24 schools?

25 A. I was an equity specialist.

1 Q. Which means what? What kind of work were you doing?

2 A. I worked with and mentored students of color.

3 Q. Okay. Great.

4 Just a few more just personal questions just for
5 your background. Are you married or single?

6 A. I am married.

7 Q. Any children?

8 A. No children.

9 Q. Let's talk more about the Dar Al-Farooq mosque and that
10 community. Okay?

11 A. Okay.

12 Q. So you have told us a little bit about your involvement
13 in the mosque. But how long have you been attending prayers
14 at that mosque?

15 A. I would say right when I started around 2016, 2017-ish,
16 but, yeah, around that time.

17 Q. So for those of us who are, you know, not familiar with
18 the broader community at Dar Al-Farooq, can you just tell us
19 a bit about that, starting with where do people who worship
20 in the mosque -- where do they come from, just
21 geographically?

22 A. Our community is a very diverse community. People come
23 from the south metro, like Apple Valley, Burnsville
24 Lakeville, and then others come from the northern side,
25 Minneapolis, Blaine, and in the northern suburbs also. Some

1 people travel all the way to -- from Blaine to come to our
2 congregation.

3 Q. Okay. So Blaine, that's up in Anoka County?

4 A. Correct.

5 Q. Just north of the metro?

6 A. Yeah.

7 Q. Kind of northern suburb. And Bloomington, of course, is
8 in the south metro, correct?

9 A. Correct. Yeah. We're in the middle, so right in the
10 middle of the state, technically. So some people come from
11 the north, some people come from the south, and others come
12 from Bloomington/Richfield area.

13 Q. Okay. And can you tell us -- you told us about kind of
14 the geographic range of where people come from to attend
15 services at the mosque.

16 Can you tell us a bit about the, what I'll call
17 the socioeconomic background of people who worship at the
18 mosque? Can you describe that to the jury?

19 A. We have, we have, you know, a lot of communities that
20 need a lot of support, need housing support, need, you know,
21 any type of support, because our community is a very
22 low-income community. So whatever support that they need
23 from coming to housing to support with, even applying for
24 applications because of the language barriers. So it's a
25 low-income community.

1 Q. Okay. And the people who are fortunate enough to have
2 jobs, what kind of work do they do, just generally? Give us
3 some examples.

4 A. Some people work at factories. Some people work at, you
5 know, nursing homes, group homes, any low-collar -- or
6 low-collar jobs. And then we have a few individuals or
7 others also who are educated, who went to school and who
8 have professional jobs.

9 So it's a mix of -- I would say it's more of low
10 income than it is with other people.

11 Q. What about people in what I'll call the, say, the
12 service industries? Uber drivers?

13 A. Correct, yes.

14 Q. People who might work in hotels or restaurants?

15 A. Correct.

16 Q. Can you tell us a little bit about that?

17 A. Yeah. Our mosque is -- you know, a lot of people that
18 come, you know, are -- because the airport is right next to
19 us. So many people that pray there are Uber drivers, Lyft
20 drivers and -- yeah.

21 Q. People who work in hotels --

22 A. Correct.

23 Q. -- in the area? Okay.

24 So we've talked about geographics. We've talked
25 about some socioeconomic things. Let's talk about some of

1 the families that are part of the Dar Al-Farooq community.

2 So I grew up in the Catholic faith, right, and so
3 the Basilica of St. Mary was my church; and we'd have some
4 small families, and then you'd have some big families, 10,
5 11 kids.

6 Can you tell us a little bit about how
7 Dar Al-Farooq -- the families that are there for your
8 community?

9 A. So, yeah, so primarily the community that comes there is
10 the East African, primarily Somali community. In the Somali
11 community they have large families, you know, averaging
12 seven kids or more. So it's a -- they have -- we have a lot
13 of kids, and we're very -- we're big families. My family
14 was a large family, so -- and that is very alike for others.

15 Q. Okay. How many kids were in your family, are in your
16 family?

17 A. I don't know off my head, but we're a pretty big family.

18 Q. Okay. All right. So let's talk about activities at the
19 mosque.

20 For families and children, are there activities
21 available at the mosque?

22 A. Yes.

23 Q. Can you tell us a little bit about those?

24 A. We have, on the weekends, we have what's called dugsi.
25 It's basically an Islamic school where -- so students come

1 and they learn how to read and write the Arabic and so that
2 they are able to memorize the Holy Book, which is called the
3 Koran, and they do that. And they also learn just like at
4 Sunday school. They learn about their faith, and so they
5 can become strong Muslims and be able to also serve their
6 community.

7 Q. So you have dugsi. Do you know how to spell that?

8 A. It's spelled D-U-G-S-I. Dugsi.

9 Q. Dugsi. Thank you.

10 So you have the Islamic studies, Islamic school?

11 A. Correct.

12 Q. Any other activities? Any sports or computer classes,
13 anything like that?

14 A. Yeah, we have, you know, we have public, what's called
15 haw-batz [phonetic] or classes that people are able to
16 attend to so they can get to know about their faith.

17 We have, you know, some -- we have basketball. So
18 people, you know, come, and we have a big gym, so people,
19 kids and families, so they can come and play at the big gym.

20 We also have, you know, a backyard where people
21 can play soccer or, you know, just -- and they can play at
22 the playground, so just -- it's a community center.

23 Q. So do you have any sense in terms of the number of
24 children that might be part of the programs at the mosque or
25 part of the mosque community? Do you have any sense of how

1 many children that would be?

2 A. I don't know off of my head.

3 Q. Okay. Small number, large number?

4 A. We're a, we're a big community.

5 Q. Okay. So let's talk about COVID.

6 A. Yeah.

7 Q. All right. So you were part of the Dar Al-Farooq
8 community when the pandemic hit all of us, right?

9 A. Correct.

10 Q. Can you tell the jury -- we all have our personal
11 experiences, but how did it impact the Dar Al-Farooq
12 community when everything shut down in, say, in March of
13 2020 going forward?

14 A. Just like any faith institution, we are -- we have a
15 congregation who support the mosque. And because
16 congregations weren't able to attend, you know, there was --
17 really the mosque, from my understanding, was struggling.

18 Also, the community also was struggling,
19 especially, you know, elders who didn't speak the language
20 and who needed support and didn't have access to that
21 because, you know, everybody, you know, everybody was
22 wondering what COVID would do to you, how it impact you and
23 just a general of, you know, how every other community was
24 feeling.

25 Q. What about food insecurity? Was that an issue for

1 families at the mosque and children?

2 A. Correct, because kids didn't have -- they weren't able
3 to go to school.

4 Q. Okay. So at some point during the pandemic was food
5 distributed at the Dar Al-Farooq mosque?

6 A. Yes.

7 Q. And is that something that you saw yourself?

8 A. Yes.

9 Q. When do you remember food being -- starting to be
10 distributed at the Dar Al-Farooq mosque?

11 A. Like on, like when did it start?

12 Q. Yeah, if you can remember.

13 A. I don't remember when exactly, but it started in the
14 year of 2021.

15 Q. 2021. All right. And can you tell us, because we
16 weren't -- you know, obviously, none of us were there, but
17 you were there. So what did you see when the food
18 distribution started at the mosque?

19 First of all, did it happen every day or just one
20 day a week? How did that go?

21 A. It happened once a week and usually happens on
22 Saturdays. And there was a lot of cars, and a lot of people
23 came. They lined up in front. It happened in the parking
24 lot of the mosque. And people were grabbing -- there was a
25 truck in the middle, right in front of the doors of the

1 mosque. And people would come and grab food, lines, you
2 know, and they just follow the lines, and people would give
3 it to them, and they will just circle around.

4 Q. All right. And how were you able to see that for
5 yourself? Tell us, why were you there, what -- you know,
6 give us that connection.

7 A. Because the times that it happened was right after the
8 Zuhr prayer, the afternoon prayer. And so when I usually
9 pray at the mosque for Zuhr prayer, you would see the truck
10 outside serving the community.

11 Q. And how, how regularly would this truck appear at the
12 mosque on Saturdays?

13 A. Regularly. On a weekly basis.

14 Q. And for how long a period of time? Was it just a few
15 weeks, or did it extend on for months and months?

16 A. It was months.

17 Q. Okay. Did you see, in terms of the type of food that
18 was distributed, did you see how it was distributed at all?

19 A. They were in bags, and people would just take the bags
20 and the milk, and then they would -- and that's what I saw.

21 Q. Okay. All right. And you said that there were lines of
22 cars lined up?

23 A. Yeah.

24 Q. All right. And is this something that you would see
25 basically week in, week out for month after month after

1 month on Saturdays?

2 A. Yeah, as much as, yeah, on a monthly -- on a weekly
3 basis for months.

4 Q. I want to digress for just a moment. Do you know a
5 woman by the name of Diana Wade-Ardley?

6 A. You mean Dinna?

7 Q. Dinna. I'm sorry. Dinna Wade-Ardley.

8 A. Yes.

9 Q. And how do you know her?

10 A. She was my boss.

11 Q. Boss where?

12 A. At Bloomington Public Schools.

13 Q. Okay. And how long was she your boss?

14 A. Years.

15 Q. Did you have any involvement or interaction with her
16 about food distribution related to either Dar Al-Farooq
17 proper or the Oak Grove Middle School?

18 A. Yeah, I had at the -- at the Oak Grove Middle School. I
19 had interactions with her there.

20 Q. So what do you know about food being distributed at the
21 mosque and Oak Grove Middle School? Was it the same
22 location or different locations?

23 A. It was two different locations.

24 Q. And tell us about your interactions with Dinna
25 Wade-Ardley about distribution of food at the Oak Grove

1 Middle School.

2 A. Yeah, there was a great need and -- and the Bloomington
3 Public Schools and at the Oak Grove Middle School serving
4 same -- on a weekly basis serving communities there and same
5 as, you know, at the Dar Al-Farooq mosque. You would see
6 lines of cars. Sometimes even people will line up
7 30 minutes or 45 minutes before the distribution happened.

8 Q. And is that something you saw yourself?

9 A. Yes.

10 Q. Many times?

11 A. I would say, yes, I saw multiple times.

12 Q. Okay. And was the type of food that you saw being
13 distributed at Oak Grove Middle School similar to what you
14 saw being distributed to Dar Al-Farooq?

15 A. Yeah. It was the same truck who came, and they usually
16 go to the, yeah, they would go to the Oak Grove Middle
17 School first in the morning, and then they will go to the
18 afternoon to the, the Bloomington mosque.

19 Q. And did you have an -- or do you have an understanding
20 of who was supplying the food that was being distributed
21 during this period of time at Dar Al-Farooq and Oak Grove
22 Middle School?

23 A. I don't, I don't -- can you -- what do you mean by that?

24 Q. Ask the question again?

25 A. Yeah.

1 Q. Sure. Do you know where the food came from, who
2 supplied -- the people on the truck --

3 A. Yes.

4 Q. -- where were they -- who were they affiliated with, do
5 you know?

6 A. Yeah, they were affiliated with -- what do you call it?
7 I don't know who they were -- I don't know off of my head,
8 but there were -- like what do you mean like "who"? Who
9 were they working with?

10 Q. Yeah, do you know what organization was supplying the
11 food?

12 A. I don't know the organization's name. So I don't know
13 off of my head.

14 Q. Sure. That's fine. Do you know any of the people that
15 were affiliated with the organization that was supplying the
16 food?

17 A. Yes.

18 Q. Who, who do you know was affiliated with the
19 organization that was supplying the food?

20 A. Mukhtar Shariff.

21 Q. Okay. And you see him in the courtroom today?

22 A. Yes.

23 Q. Okay. Since you brought up Mr. Shariff, how do you know
24 him?

25 A. He's a community member.

1 Q. Okay. Do you know him at all outside of the
2 Dar Al-Farooq community?

3 A. No. I met him at the Dar Al-Farooq community.

4 Q. Now, how is it that -- you told us something, to get
5 back to the Oak Grove Middle School, that you had some
6 communication with Dinna Wade-Ardley about distributing food
7 there.

8 How is it that you were involved and just talking
9 about food distribution with Ms. Wade-Ardley? How did that
10 happen?

11 A. Before the distribution with Mukhtar Shariff, the
12 Bloomington -- Dinna and our team were serving food with --
13 we were just reaching out to anybody that can help. So we
14 reached out to multiple people.

15 And then so -- and then I know that Mukhtar
16 Shariff and others, so, you know, and I shared with her
17 that, hey, that there, you know, our community's -- you
18 know, there's this program you can -- do you think this
19 would be a good idea to serve the community and to help them
20 provide food.

21 Q. So you kind of -- correct me if I am wrong, but you kind
22 of connected Mukhtar Shariff and who he was working with
23 with Dinna Wade-Ardley to distribute food at the school?

24 A. Yes.

25 Q. Okay. At any time did you have any -- do you remember

1 having any communications by email with Dinna Wade-Ardley
2 about how the distribution at Oak Grove Middle School was
3 going or the Dar Al-Farooq site, in general, and the number
4 of children served? Do you remember just generally any
5 communications about that?

6 A. Yeah, she -- so Dinna Wade-Ardley asked me to draft the
7 email, and then I, you know, sent it to her, and she sent an
8 email to the parties about the number of food that was being
9 distributed at that site.

10 Q. Okay. So let's look at, first, Exhibit C-333, please.

11 Okay. Thank you, team.

12 Do you recognize this email, first?

13 A. Yeah, I recognize this email.

14 Q. Okay. Just a general question. This is an email. It's
15 in evidence as Exhibit C-333, government exhibit. It's an
16 email from Mahad Ibrahim to you, and then some other people
17 are copied on it. Mukhtar Shariff, Dinna Wade-Ardley.

18 If you can -- and if you don't remember, that's
19 fine; but can you tell us what you remember about why you
20 received this email?

21 A. I don't remember.

22 Q. Okay. All right. But that is your email address,
23 right?

24 A. Correct.

25 Q. Okay. So now let's look at G-336. So if we can go to

1 the second page, please.

2 So this is an email from you to Dinna Wade-Ardley;
3 is that right?

4 A. Correct.

5 Q. And this is a different email address for you. It is
6 your Bloomington School District address?

7 A. Correct.

8 Q. Were you working with the school district at this time?

9 A. Yes.

10 Q. So can you tell us, did you write this email or did
11 somebody else provide you the contents, if you remember?

12 A. I don't remember.

13 Q. Okay. But this was something that you sent to Dinna
14 Wade-Ardley. Do you remember why you sent it to her?

15 A. She asked me.

16 Q. Okay. But where it says, "We" -- excuse me -- "We
17 routinely serve up to 3,000 children through this
18 partnership," do you remember, did you write that or did
19 somebody else provide you that information?

20 A. I don't remember.

21 Q. Okay. That's fine. But this is, at any rate, this is
22 something you conveyed to Dinna Wade-Ardley it looks like
23 July 23, 2021.

24 A. Mm-hmm.

25 Q. Would you agree with that?

1 A. Yes, I sent that email.

2 Q. Okay. So -- but thinking about the food distribution at
3 the mosque -- first of all, if anyone were to claim that
4 there was no food distributed at the Dar Al-Farooq site or
5 Oak Grove Middle School and this was all a sham, what would
6 your response be?

7 A. I would say that's not true because I saw food being
8 delivered to real people and at two different locations.

9 Q. So let's look at Government Exhibit N-24, please.

10 So this is a chart that the government put
11 together. And I will represent to you it shows, based upon
12 meal claim forms that were submitted as part of the Federal
13 Child Nutrition Program, the claimed number of children
14 served. Say, for the month of January 2021, it's 2,000; the
15 month of February 2021, it's 3,500.

16 Do you see that line I'm talking about?

17 A. Yes.

18 Q. And then the SFSPN, that's another Federal Child
19 Nutrition Program for the summer months. And that has
20 children served 2,400 [sic] on average for the month of July
21 2021, 3,284 on average for the amount of August 2021, and
22 3,500 on average for the amount of September 2021.

23 Now, to be clear, were you -- when you saw the
24 food being distributed at Dar Al-Farooq, when you saw the
25 food being distributed at Oak Grove Middle School, did you

1 count the number of cars?

2 A. No.

3 Q. Okay. And I'll tell you that when those people were
4 getting the bag of food, there could be food for, you know,
5 two or three children in one bag. Did you know that?

6 A. Yes.

7 Q. Okay. So, so given that, given what you saw firsthand
8 and given that multiple children could be served by getting
9 one bag of food, do these numbers claimed for Dar Al-Farooq
10 for those two locations in your view seem reasonable or
11 unreasonable?

12 A. It seems reasonable.

13 Q. Can you tell the jury why you feel that way?

14 A. I feel that way because I saw a lot of cars in both
15 locations. I saw, you know, a lot of food that was given
16 out, and I think that is reasonable.

17 Q. Thank you, sir. I have no further questions.

18 THE COURT: Does any defense counsel wish to
19 examine?

20 Cross-examination? Mr. Jacobs.

21 CROSS-EXAMINATION

22 BY MR. JACOBS:

23 Q. Good afternoon, Mr. Omar.

24 A. Good afternoon.

25 Q. You're the executive director of Dar Al-Farooq? Is that

1 your title?

2 A. Correct. Right now.

3 Q. And you started that role in August of 2022?

4 A. Correct.

5 Q. So that was after the culmination of the food program
6 that we are talking about here?

7 A. Correct.

8 Q. So in the time of 2020 and 2021, you were just a member
9 of Dar Al-Farooq?

10 A. Yes.

11 Q. No leadership position or no executive role?

12 A. No.

13 Q. No one came to you to ask permission to participate in
14 the food program?

15 A. No.

16 Q. You didn't have any actual involvement in the food
17 program at Dar Al-Farooq?

18 A. No.

19 Q. Just an active member?

20 A. Correct.

21 Q. Now, back in the beginning of COVID, you worked for
22 Bloomington Public Schools, right?

23 A. Yes.

24 Q. And you worked as an equity specialist?

25 A. Yes.

1 Q. And in that role, did you help the children that you
2 worked with find food and places to eat?

3 A. That was part of -- I was a mentor, so we would -- our
4 office dealt with stuff like that.

5 Q. And during 2020 and the beginning of COVID, Bloomington
6 Public Schools was actually giving out food to kids, right?

7 A. I believe so.

8 Q. They were delivering food to kids?

9 A. I didn't see it. I believe so.

10 Q. They had drop -- or pick-up sites that people could pick
11 up food?

12 A. I don't know.

13 Q. Fast-forward to 2021, and you just testified that you
14 saw people picking up food at Dar Al-Farooq, correct?

15 A. Correct.

16 Q. And that was only on Saturdays?

17 A. Yes.

18 Q. Didn't see it on Monday, Tuesday, Wednesday?

19 A. No, I didn't see it on other days.

20 Q. One day a week. And I assume, because you weren't
21 involved in the actual distribution, that you weren't
22 standing there with a clicker?

23 A. Correct.

24 Q. You weren't writing down people's names?

25 A. Correct.

1 Q. Did you see people doing that?

2 A. I don't remember.

3 Q. Didn't see people taking attendance?

4 A. I don't remember.

5 Q. Didn't see people with a clicker counting?

6 A. No, I don't remember.

7 Q. When you worked at Bloomington Public Schools, you
8 testified that you worked for a woman named Dinna
9 Wade-Ardley; is that right?

10 A. Correct.

11 Q. What was your relationship with Ms. Wade-Ardley like?

12 A. She was my supervisor, and that was -- yeah.

13 Q. Get along with Ms. Wade-Ardley?

14 A. Yes.

15 Q. Did you like Ms. Wade-Ardley?

16 A. Correct.

17 Q. Now, you were asked about an email that was sent to
18 Ms. Wade-Ardley. Do you remember that testimony?

19 A. Yes.

20 Q. I'm going to pull it up.

21 So you recognize this email?

22 A. Yes.

23 Q. And this email is from Dinna Wade-Ardley to Mukhtar
24 Shariff?

25 A. Correct.

1 Q. That msharif email in the "To" line, that's the email
2 address that Mukhtar Shariff uses?

3 A. I believe so.

4 Q. Okay. And the CC there, aimee@feedingourfuture, do you
5 know who aimee@feedingourfuture is?

6 A. Yes.

7 Q. And mahad.ibrahim@gmail.com. Do you know who Mahad
8 Ibrahim is?

9 A. Yes.

10 Q. You testified a minute ago that you remember sending
11 this email to Dinna Wade-Ardley; is that right?

12 A. Yes.

13 MR. GOETZ: Objection. Misstates the evidence,
14 "this email."

15 MR. JACOBS: Let me ask it --

16 THE COURT: Rephrase.

17 BY MR. JACOBS:

18 Q. Let me ask it a different way.

19 You testified a moment ago that you sent
20 Ms. Wade-Ardley a version of this email to copy and paste;
21 is that right?

22 A. So I actually -- I don't remember seeing this email,
23 because I just now -- I see the top, it says from Dinna
24 Wade-Ardley to, but I sent a similar email like this to
25 Ms. Wade-Ardley.

1 Q. I'm showing you what is already in evidence as
2 Government G-336.

3 Mr. Omar, is this the email you are talking about
4 that you sent to Ms. Wade-Ardley?

5 A. Yeah, this email I sent to Ms. Wade-Ardley.

6 Q. And it's your testimony today that Ms. Wade-Ardley asked
7 you to send this email to her?

8 A. Yes.

9 Q. That she wanted you to draft up an email for her to
10 send?

11 A. Correct.

12 Q. And it's also your testimony today that you don't
13 remember anybody asking you -- anybody besides
14 Ms. Wade-Ardley -- asking you to write this email?

15 A. At this moment I don't remember.

16 Q. Do you remember meeting with lawyers for Mr. Shariff
17 yesterday?

18 A. Lawyers with Mr. Shariff yesterday?

19 Q. Yes.

20 A. I didn't meet with lawyers of Mr. Shariff yesterday.

21 Q. Did you meet with them last week?

22 A. I believe so. I don't know off of my head right now,
23 but, yes, some time this past week.

24 Q. And when you met with them, do you remember telling them
25 that Mukhtar Shariff asked you to draft this email and send

1 it to Ms. Wade-Ardley?

2 A. I, yes, I remember that.

3 Q. So now is it your testimony that Mukhtar Shariff asked
4 you to send this email to Ms. Wade-Ardley?

5 A. Yes.

6 Q. And actually Ms. Wade-Ardley didn't ask you to send this
7 email?

8 A. No. She asked me to draft, help draft the email.

9 Q. Well, you just testified a moment ago that Mukhtar
10 Shariff asked you to send the email to Ms. Wade-Ardley.

11 A. Yeah, I too -- so Mukhtar Shariff asked me to ask if
12 Ms. Wade-Ardley is able to send it, and I went and asked
13 her, and she said please help me draft the email.

14 Q. And if it was her testimony that in fact they weren't
15 serving 3,000 children through this partnership, as it says
16 in the email, would that be correct?

17 A. I don't know.

18 Q. You don't know how many kids they were serving at
19 Oak Grove, do you?

20 A. I don't know how much kids they were serving exactly.

21 Q. You don't know how many kids they were serving at
22 Dar Al-Farooq?

23 A. At Dar Al-Farooq? I just know a lot of kids were being
24 served. I don't know exactly the number.

25 Q. And going up to this top part, Ms. Wade-Ardley replied

1 to your email and she said, "I am not sure that 3,000 is the
2 correct number."

3 MR. GOETZ: Objection, Your Honor. Misstates the
4 evidence.

5 THE COURT: Sustained.

6 Can you rephrase?

7 MR. JACOBS: Sure, Your Honor.

8 BY MR. JACOBS:

9 Q. You see this email here? This is the email that you
10 sent to Ms. Wade-Ardley, right?

11 A. Yes.

12 Q. And do you see an email up here from Ms. Wade-Ardley?

13 A. Yes.

14 Q. And she says, "I am not sure 3,000 is the correct
15 number."

16 A. Yeah, but I don't know if that was sent to me or if it
17 was sent to someone, to Mukhtar Shariff. I don't see my
18 email on there.

19 Q. Regardless, is it true that 3,000 wasn't the correct
20 number?

21 A. As I said earlier, I don't know exactly if it was 3,000
22 or not, but what I know and what I saw was that a lot of
23 kids were served. I saw a lot of cars, a lot of families.
24 It had nothing to do with -- you know, I didn't count
25 numbers, so I can't say or testify that a certain amount

1 number was served, but what I can testify is food was
2 distributed at both locations and there was a lot of cars, a
3 lot of food, and that's what I can testify to.

4 Q. So Ms. Wade-Ardley was wrong in her email?

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

6 THE COURT: Sustained.

7 MR. JACOBS: No further questions, Your Honor.

8 THE COURT: Mr. Goetz, redirect?

9 MR. GOETZ: Briefly, if we can look at G-336
10 again, please.

11 REDIRECT EXAMINATION

12 BY MR. GOETZ:

13 Q. Can you see G-336, Mr. Omar?

14 A. Yes.

15 Q. So obviously you didn't -- if we can just highlight that
16 from Ms. Wade-Ardley -- you didn't write that? That was
17 what she wrote in terms of "I am not sure that 3,000 is the
18 correct number. Maybe 1,000 each week," correct?

19 A. Yeah, I didn't write -- I only communication that I had
20 via email with Ms. Wade was the email that I sent to her.
21 Anything of response, all of that, I didn't have any of
22 those information.

23 Q. Okay. So you are not aware that, "maybe 1,000 each
24 week," she's talking about just the Oak Grove Middle School
25 or what, correct?

1 A. I didn't, I didn't, I didn't have anything to do with
2 this email.

3 Q. Sure.

4 A. So I didn't -- any of the content or any of the
5 conversation that happened between Ms. Wade and Mukhtar
6 Shariff, I have not in that conversation.

7 Q. Thank you.

8 MR. GOETZ: No further questions.

9 THE COURT: You may step down, sir. Thank you.

10 THE WITNESS: Is that it?

11 THE COURT: You are all finished.

12 And the defense may call its next witness.

13 MR. GOETZ: Your Honor, we would call, Your Honor,
14 we would call Imam Kariye.

15 THE COURT: Good afternoon, sir. I'm going to
16 have you come by the jury box, and you are aiming for the
17 witness chair up here.

18 THE WITNESS: Hi.

19 THE COURT: Hi. Would you stay standing for a
20 moment and raise your right hand?

21 ABDIRAHMAN KARIYE,
22 called on behalf of the defendant Mukhtar Mohamed Shariff,
23 was duly sworn, was examined and testified as follows:

24 THE WITNESS: Yes.

25 THE COURT: Thank you. You may be seated.

1 Q. Where were you?

2 A. I was traveling to -- in Europe. I was in Amsterdam and
3 Turkey.

4 Q. And did you have a chance to visit your family?

5 A. I did, yes.

6 Q. Oh, good.

7 So where are you the imam?

8 A. I am the imam of the Dar Al-Farooq center in
9 Bloomington, Minnesota.

10 Q. And is that at 8201 Park Avenue?

11 A. Correct.

12 Q. And how long have you been the imam at Dar Al-Farooq?

13 A. Since June of 2021.

14 Q. Can you just help us understand, when you have the title
15 imam, what does that mean?

16 A. The imam plays a significant role in the Muslim
17 community, both in the outreach and the religious services
18 of the center.

19 Q. So what role do you play then at the Dar Al-Farooq
20 Islamic Center as the imam?

21 A. My role encompasses delivering sermons, teaching,
22 education, educational services to outreach programs.

23 Q. And do you have knowledge from your connection and time
24 at the Dar Al-Farooq Islamic Center about food being
25 distributed during the year of 2021 at Dar Al-Farooq?

1 A. Yes.

2 Q. Is that something you saw yourself?

3 A. Yes.

4 Q. Was it real food?

5 A. Yes.

6 Q. Distributed to real people?

7 A. Yes.

8 Q. Let's get a little background before we talk more about
9 that. Okay?

10 You talked about your family. Tell us just a
11 little bit about your family. You're married?

12 A. Yes, I'm married.

13 Q. And any children?

14 A. I have one daughter.

15 Q. Okay. How old is she?

16 A. She's almost two, in two months.

17 Q. Ah, okay. So she would have been born then in 2022?

18 A. September of 2022.

19 Q. September of 2022. Okay.

20 And where did you grow up?

21 A. I grew up in Seattle, Washington.

22 Q. And how long did you live in the Seattle area?

23 A. About 23 years.

24 Q. When did you move to Minnesota?

25 A. 2021, in January -- June.

1 Q. So did you move to Minnesota then to become the imam at
2 Dar Al-Farooq?

3 A. Correct.

4 Q. Before actually moving to Minnesota to become the imam
5 at Dar Al-Farooq, do you have any -- did you have any
6 knowledge of the Dar Al-Farooq Islamic Center, generally?

7 A. Yes, I did. I visited the center before moving here.

8 Q. Can you tell the jury, for those of us who are not
9 familiar with the Dar Al-Farooq community, can you describe
10 the community there to us?

11 A. Yeah, the community is a very vibrant, active center
12 that serves Bloomington, Eagan, Edina area, all the way
13 south of Minneapolis.

14 On Friday prayers, the center receives more than
15 2,000 worshippers that come throughout the day for
16 educational programs, for community, you know, community
17 events.

18 It's probably one of the -- if not "the," but
19 probably one of the largest active centers in the State of
20 Minnesota.

21 Q. And you talked about programs. What kind of programs
22 are available, particularly for children, at the mosque?

23 A. Yeah, the programs that are available, besides the daily
24 worship five times a day people come to the mosque and pray,
25 in addition to that, we have educational program in the

1 center where children learn the scripture, the Koran, and
2 that happens throughout the week, different sessions, but
3 all throughout the week students are coming and learning.

4 Q. And we just learned a term that was new to me. Dugsi?

5 A. Dugsi, yes. That's the word --

6 Q. Okay.

7 A. -- for Islamic learning or school.

8 Q. Any other programs at the mosque for children besides
9 dugsi?

10 A. Yeah, there's youth programs, the basketball activities
11 in the center, seminars, workshops, a host of so many
12 programs that I probably -- I'm not even involved in some of
13 the other activities.

14 Q. Okay. I want to digress for just a moment to take you
15 back to your Seattle days.

16 A. Yeah.

17 Q. While you were in Seattle --

18 A. Excuse me.

19 Q. That's okay. While you were living in Seattle, did you
20 meet a person by the name of Mukhtar Shariff?

21 A. Yes.

22 Q. And do you see him in the courtroom today?

23 A. I do.

24 Q. Can you just point him out?

25 A. He's the gentleman sitting there (indicating) --

1 Q. Okay.

2 A. -- behind the computers.

3 Q. And the record will reflect you are exchanging smiles?

4 A. Mm-hmm.

5 Q. Right? You are friends?

6 A. Yes.

7 Q. How long have you known Mukhtar Shariff?

8 A. More than 15 years.

9 Q. How did you first get to know him, imam?

10 A. I met him at our local community center in Seattle. He
11 had just moved from Maine. And at that time I was
12 graduating, I believe, high school --

13 Q. So how --

14 A. -- or I was in first year of college.

15 Q. So how old were you guys then when you first met each
16 other?

17 A. 18.

18 Q. And did you become friends?

19 A. Yeah.

20 Q. Can you tell us what interests you share with
21 Mr. Shariff?

22 A. I think we shared common interest in, in basketball to,
23 you know, religious affiliation, to both studying the
24 scriptures and studying the religious text, Arabic, to
25 serving the community. That was a passion of ours.

1 We were a part of the youth leadership of the
2 local mosque in Seattle that we were involved in and that
3 was -- that's actually how we became much more acquainted.

4 Q. Okay. You mentioned basketball, and I have to ask. So
5 have you been converted to a Wolves fan now?

6 A. I can't jump on the bandwagon yet.

7 Q. Okay. So over the years, what kind of work would you do
8 together with Mr. Shariff? Still focusing on the Seattle
9 years.

10 A. Yeah, Seattle years we had a basketball league called
11 Companion Athletics. This was probably from 2013 up until
12 probably 2016. We had a youth league. Almost 500 youth
13 used to come on Saturdays and Sundays and play in that
14 league, many of them inner city kids. We used to provide
15 mentorship to them.

16 Q. So when you say you had a league, what does that mean?
17 What would you --

18 A. That league existed; and after serving on that role,
19 volunteer capacity, we both decided to focus on different
20 areas of work.

21 I pursued more of an imam career, after having
22 served the community in the youth programs. I think anyone
23 knows the reality of volunteer work does not pay bills, so I
24 had a move onto something that gave me a little bit more
25 stability in my life.

1 Q. And Mr. Shariff, what path did he go on in life?

2 A. He pursued getting an IT boot camp program that he then
3 went and worked as a software engineer.

4 Q. So he had interests in technology?

5 A. Correct.

6 Q. And over the years, besides your community work together
7 with Mr. Shariff, would you do any social, spend any social
8 time with him or do anything social with him?

9 A. Yeah, just like any friends would. We would hang out,
10 go grab food to eat, you know, check in with each other.

11 Q. Did you ever take any trips with Mr. Shariff?

12 A. We have traveled together before.

13 Q. Can you tell the jury about that?

14 A. Yeah. We around, maybe, I would say starting of -- we
15 have had many travels together, both domestically and
16 internationally, both for leisure, sometimes for exploration
17 of just opportunities.

18 Q. Okay. And I have to ask. Mr. Shariff is a good friend
19 of yours for years. Is that at all going to influence what
20 you tell this jury today?

21 A. No.

22 Q. So let's get back to the Dar Al-Farooq community. You
23 said you had some knowledge of it before you moved to
24 Minnesota and certainly since you've become the imam since
25 August of 2021.

1 Can you tell us -- you talked about the geographic
2 range. Is it fair to say people from all over the Twin
3 Cities come to Dar Al-Farooq?

4 A. Yes.

5 Q. What about the socioeconomic background of your
6 congregants, the people who make up the Dar Al-Farooq
7 community? Could you tell us about that?

8 A. Yeah. The Dar Al-Farooq center comprises of families
9 and communities that come from all over, you would say, the
10 Twin Cities and its suburbs. Many of these families are
11 low-income families who, you know, are maybe one person is
12 the main income provider.

13 The makeup of these families tend to be immigrant
14 communities who have just newly arrived or work day to day,
15 meaning they are wage workers, Uber drivers, people that,
16 you know, work minimum wage jobs.

17 That's the type of communities that we serve and
18 people that come to our center, those who don't have
19 day-to-day, you know -- they don't have a lot of means in
20 terms of income. So a lot of our programs, even at the
21 center, are subsidized to make sure that we accommodate the
22 entire community.

23 Q. And you talked a bit about families. Can you describe
24 the type of families in terms of family size that we might
25 see at the Dar Al-Farooq mosque?

1 A. Yeah. The sizes of these families, single mom a lot of
2 times with, you know, five to six children. They're the
3 ones that are mainly bringing the children to the center,
4 involved in their education program. So, yeah, about -- the
5 average size of a Somali/East African family is between five
6 to six, sometimes more.

7 Q. Five to six people or five to six children?

8 A. Five to six children.

9 Q. Okay. So do you have knowledge of how that particular
10 community, the Dar Al-Farooq community, was impacted by the
11 COVID-19 pandemic after things shut down and then over the
12 following years during the restrictions?

13 A. Yeah. So obviously I don't know if how many people
14 really remember how, you know, scary COVID-19 was for
15 families. Those, you know, especially at the beginning, up
16 until the restrictions were eased up, daily wage workers,
17 those who come from the service industry, who work either in
18 restaurants, work in places that were being either
19 quarantined or shut off, they had a lot of food insecurity.

20 The concern was that we won't have food to eat, we
21 won't have means to be able to provide for our children that
22 are hungry, kids are not going to school, not being able to
23 provide those meals that they relied upon in the, during
24 school hours. Now they're at home with the, you know,
25 immigrant parent who doesn't understand the system in

1 America and how to go and seek out resources.

2 So the mosque became a source of community
3 gatherings where people could come and seek resources. And
4 I think the food insecurity, food insecurity, job insecurity
5 was a huge concern for people during COVID, that they didn't
6 know if they would be able to have food for the month or for
7 that day or for that week, as well as not knowing if they
8 will have even an income to be able to sustain themselves, so
9 yeah.

10 Q. So was there food distribution then that you witnessed
11 at the mosque to address some of this food insecurity
12 amongst the community?

13 A. Yes.

14 Q. And so I want to ask you some questions about that.

15 Just focusing on the period then when you moved to
16 Minnesota, say, June of 2021 forward, can you tell us from
17 what you saw at the mosque when was that food distributed?
18 Was it every day? Was it one day a week? Tell us how did
19 that work.

20 A. To my knowledge, whenever I was there on the weekends
21 and weekdays that I came for prayer, I did see the food
22 being distributed.

23 Q. Okay. Was it every day or one day a week? How did that
24 work?

25 A. I don't know.

1 Q. Okay. So when you saw the food being distributed, could
2 you tell us what you saw?

3 A. I saw people coming, driving up with their cars into the
4 mosque parking and making a loop around the center; and
5 whoever was there serving the food with Mukhtar's team would
6 place the grocery bags into the vans or the cars of those
7 who are receiving the food.

8 Q. And when you said "Mukhtar's team," were you talking
9 about Mukhtar Shariff?

10 A. Mukhtar Shariff.

11 Q. And what was his -- what was your understanding of his
12 involvement in the food distribution that was occurring at
13 the mosque?

14 A. I believed that he was the one coordinating the
15 distribution and packing of the meals --

16 Q. Okay.

17 A. -- for families that were coming and receiving.

18 Q. And how often would food be distributed at the mosque?

19 A. Anytime I was there, it was being distributed.

20 Q. Okay. So for how many months did this go on after you
21 came here in June of 2021?

22 A. Yeah, I saw it from June up until probably December,
23 consistently.

24 Q. Okay. And the Muslim -- so, you know, Catholic -- I
25 grew up in the Catholic faith. We go to church on Sunday.

- 1 A. Mm-hmm. Yeah.
- 2 Q. At least my parents told me to go to church on Sunday.
- 3 A. Yeah.
- 4 Q. Friday is the day of prayer at the mosque, right?
- 5 A. Correct.
- 6 Q. Are weekends particularly busy days at the mosque?
- 7 A. Absolutely.
- 8 Q. Okay. And are you there then every weekend?
- 9 A. I am there most weekends.
- 10 Q. Okay.
- 11 A. There are some days where I'm not available because of
- 12 other commitments.
- 13 Q. Sure. Would you see food being distributed at the
- 14 mosque on Saturdays?
- 15 A. Yes.
- 16 Q. And did that happen then sort of every week for a period
- 17 of months?
- 18 A. To my recollection, yes.
- 19 Q. And when you saw that food being distributed -- you
- 20 talked about a line of cars -- was that something you saw
- 21 just once or was that a regular occurrence?
- 22 A. A regular occurrence.
- 23 Q. And can you just --
- 24 A. Excuse me.
- 25 Q. It's okay. Did you need some water?

1 A. Yeah.

2 (Witness takes drink of water)

3 A. Yeah, go ahead.

4 Q. And would you ever talk to any of the people who were
5 distributing the food or getting the food at the mosque?

6 A. So our mosque has many programs, including every Friday,
7 if you go now, VEAP comes there and distributes food and
8 bread to, on Fridays, to those from our community and
9 outside our community.

10 So it's very rare that as the imam that I'm, you
11 know, asking every person, What's going on here. That would
12 be more of the director or the program managers, different
13 staff members that are coordinating activities.

14 But I did see during my time when I was there on
15 the weekends or weekdays large number of people coming and
16 receiving these grocery bags and meals in their cars.

17 Q. Okay. And this was, again, part of Mukhtar's team?

18 A. Correct.

19 Q. So just asking you about that. You talked about these
20 bags of food. Did you have a sense of how big the bags were
21 or anything like that?

22 A. No.

23 Q. Okay. But, as I understand it, what you saw would be
24 people drive up and then somebody would give them a bag of
25 food. Were they ever given multiple bags of food, do you

1 remember?

2 A. I cannot recall.

3 Q. Okay. And then they would drive up and then the next
4 car would come, et cetera, et cetera, et cetera, et cetera?

5 A. Yes.

6 Q. Okay. I want to show you then, imam, a chart that's in
7 evidence in this case.

8 If we could have N-24, please.

9 So this is in evidence, and I'll tell you it's a
10 summary chart for meals claimed for Dar Al-Farooq Islamic
11 Center-ThinkTechAct.

12 To be clear, you don't have anything to do with
13 any claims being submitted for reimbursement for meals
14 distributed out of the -- at Dar Al-Farooq under the Federal
15 Child Nutrition Program? You don't have anything to do with
16 that, right?

17 A. No.

18 Q. Okay. And I'll tell you these numbers are based upon
19 claim forms that were submitted as part of that process.

20 And we have here for January of 2021 average daily
21 attendance based upon those forms of 2,000; February of
22 2021, 3500. But let's focus on the period after you came.
23 We will strike that. You came June 2021 forward.

24 Do you see these numbers for average daily
25 attendance?

1 A. Yes.

2 Q. Okay. As part of the children served at the mosque?

3 A. Yeah.

4 Q. And I'll also tell you that these numbers are a
5 composite or a combination of the Dar Al-Farooq site and
6 then another site, Oak Grove Middle School, where between
7 600 and 1,000 children would receive food.

8 MR. JACOBS: Objection, Your Honor. Misstates the
9 testimony.

10 THE COURT: The jury will recall the testimony.

11 BY MR. GOETZ:

12 Q. Okay? Did you --

13 A. I'm sorry. What was that?

14 Q. Sure. I'll tell you that these numbers also include
15 a -- excuse me -- a separate location, Oak Grove Middle
16 School, where between 600 and 1,000 children were served
17 every week.

18 A. Yeah.

19 Q. Okay? All right. So having that in mind, and based
20 upon what you saw personally week in, week out when you were
21 there on Saturdays, do these numbers in terms of the people
22 served, the children served, to you seem reasonable or
23 unreasonable?

24 A. These numbers on this screen that you are showing me
25 now?

1 Q. Yes.

2 A. Yes.

3 Q. Do they seem reasonable or unreasonable?

4 A. They seem reasonable.

5 Q. All right. Now, I know you weren't keeping count. You
6 didn't have a clicker or anything like that, right?

7 A. No, I did not count. Yeah.

8 Q. Okay. But can you tell the jury why these numbers seem
9 reasonable to you, based upon what you observed for
10 yourself, in terms of the food being distributed at the
11 Dar Al-Farooq mosque?

12 A. So our mosque, on an average day, it's getting more than
13 1,000, 2,000 people that are coming in and out. Especially
14 during a global pandemic where the food insecurity was a
15 major concern for our community, I would say that it would
16 be possible and very likely that this number of people were
17 being served at the center, those who were coming from
18 outside our community and those who are part of our
19 community.

20 Q. Based upon what you saw yourself?

21 A. Based on what I saw.

22 Q. All right. Thank you, imam. I have no further
23 questions.

24 A. Thank you.

25 THE COURT: Does any defense counsel wish to

1 examine?

2 If not, Mr. Jacobs, you may cross-examine.

3 MR. JACOBS: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. JACOBS:

6 Q. Good afternoon, Mr. Kariye. Am I saying that okay?

7 A. Yes.

8 Q. You have known Mr. Shariff for a long time; is that
9 right?

10 A. Yes.

11 Q. You met when you were in high school?

12 A. Correct.

13 Q. And you've known him for more than a decade now?

14 A. Yes.

15 Q. He's a friend of yours?

16 A. I would say so.

17 Q. Good friend?

18 A. Yes.

19 Q. Close friend?

20 A. Depends on what you mean by "close friend."

21 Q. I want to go back to your role as an imam at
22 Dar Al-Farooq. You moved to Minnesota in the summer of
23 2021; is that right?

24 A. Correct.

25 Q. And you started at Dar Al-Farooq center at that time.

1 A. Correct.

2 Q. Prior to 2021, you had no involvement in Dar Al-Farooq?

3 A. As a visitor, I would come to the mosque.

4 Q. But not as an imam or --

5 A. Not in any official capacity.

6 Q. No official capacity. Okay.

7 Did you have any role in the food program at
8 Dar Al-Farooq?

9 A. No.

10 Q. You didn't approve meals being handed out at
11 Dar Al-Farooq?

12 A. No, I didn't.

13 Q. You didn't supervise that program?

14 A. I did not.

15 Q. No involvement with the food program?

16 A. At all.

17 Q. So your observations are just what you personally saw in
18 your capacity as an imam at Dar Al-Farooq?

19 A. Correct.

20 Q. Did Mr. Shariff --

21 A. Excuse me.

22 Q. Did Mr. Shariff have any role in you coming to
23 Dar Al-Farooq?

24 A. No.

25 Q. You testified that you had been on some international

1 travel with him?

2 A. Yes.

3 Q. Travel to Egypt with him?

4 A. Correct.

5 Q. Travel to Spain?

6 A. Yes.

7 Q. To France?

8 A. Yes.

9 Q. To Amsterdam?

10 A. Correct.

11 Q. In 2020 did you guys go to Mexico?

12 A. Yes.

13 Q. Cabo?

14 A. Yes.

15 Q. Work trip or pleasure trip?

16 A. It was leisure.

17 Q. You testified about your observations of food
18 distribution at Dar Al-Farooq. And you testified that every
19 day you were there you saw food being distributed; is that
20 right?

21 A. I said most days.

22 Q. Most days you were there. And you are the imam, so you
23 are there probably most days.

24 A. Correct.

25 Q. So almost every day during 2021, at least the time you

1 were at Dar Al-Farooq, you saw food being distributed.

2 A. Correct.

3 Q. And that was from a truck in the parking lot?

4 A. Yes.

5 Q. So your Friday, busiest day at the mosque?

6 A. I would say one of the busiest days, yes.

7 Q. Friday a lot of food being distributed there?

8 A. Fridays, Saturdays, Sundays because of the school, the

9 dugsi.

10 Q. Mondays food being distributed?

11 A. I would -- yeah, I saw it before.

12 Q. Tuesdays? Food being distributed?

13 A. Yeah.

14 Q. Every day of the week?

15 A. I will say the days I was there I witnessed it, yeah.

16 Q. Okay. And as the imam --

17 A. I can only speak to the days that I was there. I can't

18 say every single day I was there of the week.

19 Q. But as the imam you are there and --

20 A. Whenever I was there, there was a truck parked outside

21 handing out food to people's cars that were rolling into the

22 mosque.

23 Q. Okay. And obviously you weren't counting how many meals

24 were being distributed?

25 A. No.

1 Q. You are not taking names of people who are being -- who
2 are receiving meals?

3 A. No.

4 Q. Do you see people from Dar Al-Farooq taking food?

5 A. Who are the people from Dar Al-Farooq?

6 Q. People who are members of Dar Al-Farooq.

7 A. Yeah.

8 Q. People that you recognize.

9 A. People at the mosque, yeah.

10 Q. You said that you saw bags of food being distributed.

11 Did you ever take food from Dar Al-Farooq?

12 A. No.

13 Q. Did you ever see what kind of food was being provided?

14 A. At one instance, yes.

15 Q. And what kind of food was it?

16 A. It was dry parcels of meals.

17 Q. Rice?

18 A. Yeah.

19 Q. Onions?

20 A. It could have been from, any grocery items, from fruits
21 to vegetables to cereal boxes to rice.

22 Q. So not really meals, but grocery items?

23 A. Grocery items.

24 Q. And you testified that almost every day you were at

25 Dar Al-Farooq you saw food being distributed, right?

1 A. Again, can you repeat that question?

2 Q. You testified that almost every day that you were there
3 you saw food being distributed, right?

4 A. Yes.

5 Q. And you saw a chart up a moment ago.

6 A. Mm-hmm.

7 Q. It's Government's N-24. And that lays out the average
8 number of people receiving food every day.

9 A. Yes, sir.

10 Q. So the times that you were at Dar Al-Farooq between June
11 and November of 2021, you were seeing 3500 meals every day
12 being distributed there.

13 A. Well, the question that was asked was how many -- would
14 these numbers sound reasonable. Is that what your question
15 is?

16 Q. Yeah.

17 A. Yeah.

18 Q. So on a Monday --

19 A. I wasn't counting for --

20 Q. Of course. You are not counting. You don't have a
21 clicker in your hand.

22 A. Yeah.

23 Q. You are not taking a roster.

24 A. Yeah.

25 Q. But on a Monday you are seeing 3500 meals being

1 distributed?

2 A. If you told me 3500 people were served, based on the
3 number of the cars I was seeing in and out of the center, I
4 would believe it.

5 Q. And on Wednesday you'd believe that 3500 meals being
6 distributed?

7 A. I would believe it, yeah. Absolutely.

8 MR. JACOBS: Your Honor, no further questions.

9 THE COURT: Mr. Goetz, redirect?

10 MR. GOETZ: No, Your Honor.

11 THE COURT: You may step down, sir.

12 THE WITNESS: Thank you.

13 THE COURT: Thank you.

14 We're going to take our afternoon break at this
15 time, and we'll return at 3:25.

16 All rise for the jury.

17

18

IN OPEN COURT

19

(JURY NOT PRESENT)

20 THE COURT: All right. We're in recess till 3:25.

21 Mr. Goetz, just one moment. Yes, sir.

22 MR. GOETZ: Just a matter of housekeeping and
23 scheduling.

24 So we have a couple more what I will call

25 Dar Al-Farooq witnesses, and then we'll need to make a

1 record about Mr. Shariff testifying. Just for the court's
2 information, we will need a little break at that point.

3 THE COURT: Of course, we will do that.

4 MR. GOETZ: Thank you.

5 THE COURT: All right. Thank you.

6 (Recess taken at 3:08 p.m. till 3:29 p.m.)
7

8 **IN OPEN COURT**

9 **(JURY PRESENT)**

10 THE COURT: You may all be seated.

11 Defense may call its next witness.

12 MR. GOETZ: Thank you, Your Honor. Defense calls
13 Ms. Amina Adan.

14 THE COURT: Good afternoon. Sorry. I didn't see
15 you. Come up these steps, and I'll have you stand to take
16 the oath. Would you raise your right hand.

17 AMINA ADAN,

18 called on behalf of defendant Mukhtar Mohamed Shariff, was
19 duly sworn, was examined and testified as follows:

20 THE WITNESS: Yes.

21 THE COURT: Okay. Thank you. You may be seated.

22 And when you are settled there, I'll have you
23 state and spell both your first and last name for the
24 record.

25 THE WITNESS: Amina Adan. Amina, A-M-I-N-A.

1 Adan, A-D-A-N.

2 THE COURT: Thank you.

3 Mr. Goetz, you may inquire.

4 MR. GOETZ: Thank you.

5 DIRECT EXAMINATION

6 BY MR. GOETZ:

7 Q. And I'm sorry. I mispronounced your name. Adan. Thank
8 you.

9 I'm going to ask you some questions about
10 Dar Al-Farooq. Are you familiar with Dar Al-Farooq?

11 A. Yes, I'm a community member.

12 Q. And as a community member, did you ever get food at
13 Dar Al-Farooq during the year of 2021?

14 A. Yes.

15 Q. I'm going to ask you some more questions about that, but
16 let's get a little background first. All right?

17 So can you tell the jury a little bit about
18 yourself?

19 A. I am a mother of four girls. I grew up in Minnesota. I
20 worked in the education system for a long time, and I'm
21 working currently early childhood.

22 Q. Okay. Early childhood. Tell us about the work you are
23 doing in early childhood.

24 A. I do some advocacy and policy plannings and stuff.

25 Q. And you have four girls?

1 A. Yes.

2 Q. How old are they?

3 A. 11, 8 and 6.

4 Q. Okay. You are busy. All right.

5 So let me get right to it. I don't want the
6 specific address or anything like that, but generally where
7 do you live in the -- where do you live?

8 A. I live on 84th and Park.

9 Q. Okay. In city of --

10 A. Bloomington.

11 Q. So do you live near the Dar Al-Farooq Islamic Center?

12 A. Yes.

13 Q. Two blocks away, something like that?

14 A. Yes.

15 Q. Okay. And how long have you lived there?

16 A. Around April 2021.

17 Q. Okay. That's when you moved in?

18 A. Yes.

19 Q. Now, had you attended prayers at the Dar Al-Farooq
20 Islamic Center before you moved to that neighborhood?

21 A. Yes. Since 2017.

22 Q. All right. And can you just describe the community at
23 Dar Al-Farooq?

24 A. It's a vibrant community of large families, East African
25 based, and a lot, a lot of kids there.

1 Q. Okay. Including your four girls.

2 Now, you live in Bloomington. But where do other
3 people who go to the mosque live, generally? Where do they
4 come from?

5 A. We have like community members that come from St. Paul,
6 Eagan. Like all over the place in the metro area.

7 Q. Okay. So let's talk then about the pandemic years,
8 specifically 2021.

9 Did you ever receive food at Dar Al-Farooq?

10 A. Yes.

11 Q. Can you tell just in a very kind of practical basis, you
12 know, how it would work? Tell us how, when you got food,
13 how would that work.

14 A. I used to go there weekly, Saturday, some days weekdays.
15 And it was long lines in your car, sometimes three blocks,
16 depending on how late you get there. And you would have
17 someone loading stuff into your car for the -- they count
18 how many kids would be in the household and how many adults
19 there.

20 Q. And then what would happen?

21 A. You receive food, and you drive -- like you give your
22 information and you drive off.

23 Q. Okay. So let's break that down a little bit.

24 Was there a particular day of the week when you
25 would go to the Islamic Center to get food?

1 A. Yes. Saturdays.

2 Q. Saturdays. And would you have to go there with your
3 children or would you go by yourself?

4 A. I don't recall. I remember different times.

5 Q. Okay. All right. So would you, would you drive there?
6 Would you walk? How would you get there?

7 A. I drove there. I was not living at that location at
8 that time until like later in the pandemic.

9 Q. Okay. So you said there was a long line and sometimes
10 three blocks long worth of cars; is that right?

11 A. (Moves head up and down.)

12 Q. So you would finally get up to the, the front of the
13 line, and there would be somebody there, right, who was
14 involved in food distribution?

15 A. (Moves head up and down.)

16 Q. And what would they ask you?

17 A. Information of household I think with one clipboard, and
18 the other clipboard was for you to grab your stuff.

19 Q. Okay. And typically, for your family, what would you
20 tell them when they asked you questions about what, what
21 your needs were?

22 A. Family of four kids, so they didn't have the food
23 sometimes, so we were able to get their food there.

24 Q. Okay. When you say you "didn't have the food," you mean
25 your family didn't have the food?

1 A. We did have, but sometimes you just have that extra
2 support needed.

3 Q. It helped during the time of the pandemic.

4 A. (Moves head up and down.)

5 Q. Okay. And so when you got the food, how would you get
6 it? Would it be in a box, in a bag? Tell us about that.

7 A. It would be bagged, and it would have the dairy or
8 refrigerated stuff items separately.

9 Q. Okay. And can you describe for the jury, when we looked
10 in that bag, what would we see?

11 A. I don't really recall like the full amounts of stuff,
12 but I do remember like it was snacks and grains and
13 different fruits and vegetable packagings.

14 Q. Okay. And you have four kids. How many bags of food
15 would you get when you told them that?

16 A. Four.

17 Q. Okay. You remember it being one for each child usually?

18 A. Yes. In a weekly amount.

19 Q. Okay. And there would be enough food in there for the
20 entire week for a child?

21 A. (Moves head up and down.)

22 Q. Is that a yes?

23 A. Yes.

24 Q. Okay. The only reason I say that is we have a court
25 reporter down there who is taking things down, but she can't

1 record nods of the head. All right?

2 So you described it and told us how it would work,
3 generally. How many times do you think you went to receive
4 food at Dar Al-Farooq?

5 A. Plenty, but I don't remember. I don't recall the exact
6 amount.

7 Q. Okay. A large number of times.

8 And do you remember generally over what period of
9 time, if we're just looking at 2021, by season or months,
10 when you first started receiving food and when you stopped
11 receiving food on Saturdays?

12 A. I don't recall, but it was a good amount of times in the
13 fall and winter.

14 Q. Okay. All right. So you moved there, did you say,
15 April of 2021?

16 A. Yeah, but I was attending there before that too.

17 Q. Okay. So pretty much is it fair to say through the
18 whole year you would go on Saturdays to get food?

19 A. I don't recall, but yes, maybe.

20 Q. Okay. All right. The last question I have, Ms. Adan.
21 Did the food help your family?

22 A. Obviously, yeah, it did. It did with my daughters and
23 just they're growing young kids, so.

24 Q. Okay. All right. And one thing, actually, I'm sorry, I
25 forgot. Do you know Mukhtar Shariff?

1 A. As a community member, yes.

2 Q. Okay. And do you see him in the courtroom today?

3 A. Yes.

4 Q. All right. Do you know him, anything outside of the
5 community?

6 A. No.

7 Q. Okay. Thank you. That's all the questions I have.

8 A. Thank you.

9 THE COURT: Any other defense attorney wish to
10 examine?

11 Cross-examination, Mr. Ebert?

12 MR. EBERT: Yes. Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. EBERT:

15 Q. Good afternoon, Ms. Adan. I just have a few questions
16 for you.

17 A. Sure.

18 Q. You were asked a few questions by Mr. Goetz about the
19 food you would get at Dar Al-Farooq; is that right?

20 A. Yes.

21 Q. And was it your testimony that you would go to get food
22 on Saturdays?

23 A. Yes.

24 Q. But did you observe food being served at Dar Al-Farooq
25 in 2021 to people on days other than Saturday?

1 A. I don't recall. I wasn't attending. I was infrequent.

2 Q. So what is the only day that you know of that food was
3 served at Dar Al-Farooq?

4 A. I don't -- the only days that I went was the day that my
5 family needed.

6 Q. And that day was Saturday?

7 A. Yes.

8 Q. And so did you ever observe food being served on a
9 Wednesday?

10 A. I don't recall.

11 Q. Okay. All you know is Saturday?

12 A. Yes.

13 Q. If other witnesses testified they saw food being served
14 on days other than Saturday, would they be wrong?

15 A. I'm not the judge here for that.

16 Q. Now, when you went to get your food, were you taking
17 attendance of other people who were there on those
18 Saturdays?

19 A. No.

20 Q. Were you writing down names of people?

21 A. No.

22 Q. Did you have a, like a clicker in your hand to help keep
23 track of things?

24 A. No.

25 Q. Okay. So is it your -- your testimony is just based on

1 what you observed on the days you were there; is that right?

2 A. Yes.

3 Q. Do you know anything about the organization that was
4 providing the food on Saturdays?

5 A. No.

6 Q. So fair to say you don't know whether they were making
7 any money from serving food on Saturdays?

8 A. Yes.

9 Q. You don't know?

10 A. I wouldn't know. That -- that was not my concern at
11 that time.

12 Q. You've never seen the bank account records, for example,
13 of the folks who were serving food?

14 A. No.

15 Q. If they were submitting claims to get reimbursed for
16 anything, you don't know anything about that, right?

17 A. No.

18 Q. The only thing you know about is what you saw on those
19 days you were there at Dar Al-Farooq; is that right?

20 A. Correct.

21 MR. EBERT: I have no further questions. Thank
22 you.

23 THE COURT: Thank you.

24 MR. GOETZ: No redirect, Your Honor.

25 THE COURT: You may step down. Thank you for

1 being here.

2 And the defense may call its next witness.

3 MS. FALK: Your Honor, the defense calls Abdikadir
4 Haji.

5 THE COURT: Good afternoon, sir. You are going to
6 go through here and by the jury, and then you are aiming for
7 this witness stand up here. And would you stand to take the
8 oath.

9 ABDIKADIR HAJI,

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

12 THE WITNESS: Yes. True.

13 THE COURT: Thank you. You may be seated.

14 THE WITNESS: Thank you.

15 THE COURT: And when you are settled, I'll have
16 you state and spell both your first and last name for the
17 record.

18 THE WITNESS: Abdikadir, A-B-D-I-K-A-D-I-R. Haji,
19 H-A-J-I.

20 THE COURT: Thank you, sir.

21 You may inquire, Ms. Falk.

22 MS. FALK: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MS. FALK:

25 Q. Good afternoon, Mr. Haji. How are you today?

1 A. Fine. Good afternoon.

2 Q. Can you just swing your chair around to the front a
3 little bit? Thank you.

4 Mr. Haji, do you have knowledge of food being
5 distributed at Dar Al-Farooq mosque in 2021?

6 A. Yes, I do.

7 Q. And is that something you witnessed yourself firsthand?

8 A. Yes.

9 Q. And that's real food?

10 A. Yes.

11 Q. Being given to real people?

12 A. Yes.

13 Q. Okay. Before we get farther into that, I want to talk a
14 little bit about your background, so the jury can get an
15 understanding of kind of who you are. Is that okay?

16 A. (Moves head up and down.)

17 Q. Can you tell us where you were born?

18 A. I born 1971, Somalia.

19 Q. In Somalia?

20 A. Mogadishu.

21 Q. And did you eventually move to the United States?

22 A. Yes.

23 Q. When was that?

24 A. September 9, 1998.

25 Q. Where did you move to?

1 A. Say again?

2 Q. Where did you move to, when you came to the
3 United States?

4 A. Arizona.

5 Q. Arizona?

6 A. Yes.

7 Q. And then after Arizona, where did you move next?

8 A. Atlanta, Georgia.

9 Q. What was that?

10 A. Atlanta.

11 Q. Atlanta?

12 A. Atlanta, Georgia.

13 Q. Atlanta, Georgia?

14 A. Yes.

15 Q. Did you eventually land in Minnesota?

16 A. I came 2000.

17 Q. In 2000?

18 A. Yes.

19 Q. I don't want your address, but, generally speaking,
20 where do you live now?

21 A. I live in Burnsville now.

22 Q. Burnsville?

23 A. Yes.

24 Q. Who do you live with?

25 A. My family. My wife.

1 Q. Your family?

2 A. My children.

3 Q. So you are married?

4 A. Yes, I do.

5 Q. How many kids do you have?

6 A. I have three boys, three girls. Six.

7 Q. Busy household.

8 A. Yes.

9 Q. Mr. Haji, what do you do for a living? What do you do
10 for work?

11 A. I work -- I am the, I am the dean of the student for
12 middle school.

13 COURT REPORTER: Wait a second. You are the what?

14 THE WITNESS: Dean of student.

15 Success Academy, which is Bloomington.

16 BY MS. FALK:

17 Q. Okay. And is Success Academy located in the same
18 building as the Dar Al-Farooq mosque?

19 A. Yes.

20 Q. And what do you do at the Success Academy?

21 A. I do -- I am the dean of the student. I am between the
22 teachers and parents, and also I do transportation.

23 Q. So let's start with transportation. What does being
24 involved with the transportation aspect entail?

25 A. I have to, I have to communicate every morning for the

1 buses.

2 Q. Anything else? No?

3 And what about being the dean of students for
4 Success Academy? What does that all entail?

5 A. Behavior.

6 Q. Can you elaborate?

7 A. Yes. I am the person whose responsibility behavior for
8 the students. So every time there is a behavior issue, I am
9 the one who deal, I am the one who communicate to parents, I
10 am the one who is between the teachers, the parents and the
11 students.

12 Q. Okay. How long have you been working for the Success
13 Academy?

14 A. Almost two years now.

15 Q. Two years?

16 A. Yes.

17 Q. And am I right -- so the jury's not familiar with the
18 location that we're talking about. They're in -- so
19 Dar Al-Farooq mosque and Success Academy are in the same
20 building, but they're kind of separate entities; is that
21 right?

22 A. Yes, it is.

23 Q. Okay. So are you familiar with the Dar Al-Farooq
24 Islamic Center?

25 A. Yes.

1 Q. And how are you familiar with it, other than being the
2 dean of students for the school that's kind of next door in
3 the same building?

4 A. Even before I started this job, I was a member of the
5 Dar Al-Farooq.

6 Q. So you worship there?

7 A. Yes, absolutely.

8 Q. How long have you been worshipping there?

9 A. More than ten years.

10 Q. Okay. And how often do you attend the mosque?

11 A. Most of time. Five, five prayers a day.

12 Q. Five prayers a day?

13 A. Yes.

14 Q. Are you involved in any groups or activities at the
15 Dar Al-Farooq center? No?

16 Do you know anything about the types of activities
17 or programming that's available for children or young people
18 at the mosque?

19 A. That's the weekend. I mean, on weekend I help before
20 the -- I am the one who open the doors for the young people
21 who come to weekend to learn the Holy Koran and Islamic
22 study. So I am the one who volunteer then. I am the one
23 who help to open all doors. So I be here every weekend.

24 Q. Okay. Is that both days on Saturday and Sunday?

25 A. Yes, it is.

1 Q. And is that like a volunteer activity that's separate
2 through the mosque? Does it have to do anything with the
3 school that's next door?

4 A. No.

5 Q. Okay. So it's with the mosque?

6 A. Yes.

7 Q. Are you familiar with any other activities or
8 programming that's available to the kids, other than the
9 Sunday school or the weekend school that you just mentioned?

10 A. Just the weekend.

11 Q. Do you have any idea of how many kids attend that school
12 on the weekends?

13 A. I'm not the one who count it, so I don't know.

14 Q. Okay. Mr. Haji, how would you describe the congregation
15 at the Dar Al-Farooq mosque, the people who attend? Are
16 there a lot of people that attend or not so many people?

17 A. I mean --

18 Q. Let me phrase that a different way.

19 A. Yes.

20 Q. The people who attend the mosque, are there a lot of
21 people? Is it a big congregation, or is it smaller?

22 A. It depends for the time. For example, weekend, yes, a
23 lot.

24 Q. A lot?

25 A. Yeah.

1 Q. Do people come to worship just from Bloomington, or do
2 they come from other places?

3 A. Other places.

4 Q. Other places?

5 A. Yeah.

6 Q. Are you familiar with some of the towns or maybe
7 counties that people come from to attend?

8 A. I believe Hennepin County, Dakota County, Scott County.
9 It depends for the time because, for example, if you are
10 driving and it's a prayer time, you will go the closest, I
11 mean, the mosque. So let's say if you are 35W and it's at
12 1:30, is prayer time, the closest one is Dar Al-Farooq and
13 then you go there.

14 Q. Okay. So it sounds like people are coming from
15 different areas of the Twin Cities, not just Bloomington?

16 A. Yes.

17 Q. How does the size of the Dar Al-Farooq mosque compare to
18 other mosques throughout the State of Minnesota that you are
19 aware of?

20 A. Dar Al-Farooq is big.

21 Q. It's big?

22 A. Yeah.

23 Q. And are you familiar with the socioeconomic background
24 of people who attend the mosque?

25 A. Say again?

1 Q. Are you familiar with the socioeconomic background of
2 people who attend the mosque? Should I put it a different
3 way?

4 A. Yes.

5 Q. Do you know what kind of jobs people have who attend the
6 mosque? What do they do for a living?

7 A. It's a different thing, like someone who go to church,
8 they're different. So some people are business. Some
9 people are educate. Some people are drivers. It's a
10 different thing.

11 Q. Okay. Do you have people who attend -- or do you know
12 if people who attend do things like Uber or rideshare?

13 A. I know some of them.

14 Q. Yeah?

15 A. Yes.

16 Q. What about people who work in the restaurant or food
17 services industry?

18 A. Not a lot.

19 Q. Not a lot?

20 A. Yeah.

21 Q. Hotel industry?

22 A. (Moves head from side to side.)

23 Q. You are kind of by the airport, right, by the -- so the
24 mosque is located kind of in proximity to the airport?

25 A. Yes.

1 Q. Do you know anyone who attends the mosque that works at
2 the airport?

3 A. Yes.

4 Q. Yeah? So we talked a little bit about your family.
5 You've got six kids. So you plus your wife makes a family
6 of eight, right?

7 A. (Moves head up and down.)

8 Q. Tell us about the families that attend the mosque. Are
9 they bigger families, smaller families?

10 A. Smaller, bigger, middle.

11 Q. A mix?

12 A. Yeah, a mix.

13 Q. So you have six kids. In terms of family size, on
14 average, do you know what the typical family size is for
15 people who attend the mosque, how many kids they have?

16 A. Some of them, they have bigger than me, my size. Some
17 of them, some of them they have a small one.

18 Q. What's the -- do you know anyone -- strike that. Let me
19 rephrase that.

20 What's the largest family size that you know of?

21 Like in terms of people who attend, is there a family that
22 has X amount of kids?

23 A. Yes, some of them, they have ten kids.

24 Q. Ten?

25 A. Some they have, yeah.

1 Q. Bigger than that or smaller?

2 A. I don't know that, but --

3 Q. Okay. But you at least know someone who has ten kids?

4 A. Yeah.

5 Q. So I want to talk a little bit about the COVID-19
6 pandemic.

7 Do you remember the pandemic? Everything kind of
8 shut down and people had to stay at home, work from home?

9 A. (Moves head up and down). Yes.

10 Q. Happened in about 2020, 2021? Sound familiar?

11 A. Yes.

12 Q. Do you know how the pandemic affected people who attend
13 the mosque?

14 A. Yes. It shut down, so you cannot go to worship.

15 Q. So they come to worship?

16 A. Yeah, they can't.

17 Q. What about in terms of food security? Do you know if
18 people who attended the mosque struggled to obtain food
19 because of the pandemic?

20 A. Yes. I'm one of them.

21 Q. You are one of them?

22 A. Yes.

23 Q. During the pandemic at the Dar Al-Farooq mosque, were
24 you aware of any food distribution program that was
25 happening?

1 A. Yes. There's a truck coming every Saturday.

2 Q. Do you remember when that started, the year?

3 A. No, I don't.

4 Q. But it happened during the pandemic?

5 So you said that truck came every Saturday?

6 A. (Moves head up and down.)

7 Q. Can you describe what the truck looked like?

8 A. I cannot remember. That was couple years ago. But it
9 was a big truck, and it's coming every Saturday. That's
10 what I remember only.

11 Q. Do you know if it came on days other than Saturday?

12 A. I only know Saturday.

13 Q. Can you describe the food distribution that you saw at
14 Dar Al-Farooq on Saturdays? Can you tell us a little bit
15 about the process, what you saw?

16 A. I saw the truck coming, parking in front of the parking
17 lot, which is outside of Dar Al-Farooq, and people coming.
18 They line for their cars, and they get the food.

19 Q. Do you know what types of food was distributed?

20 A. I can't remember a lot of them, but I can remember some.

21 Q. Can you give us some examples?

22 A. Oil.

23 Q. Oil?

24 A. Yes. Rice, mango, papaya, orange, pasta, apple, bread,
25 yes.

1 Q. Do you know how that food was packaged? Was it in bags,
2 boxes?

3 A. It was a big bag.

4 Q. And do you know if those bags contained food for
5 multiple people?

6 A. Yes.

7 Q. They did?

8 A. Yes.

9 Q. How do you know that?

10 A. Because I was there.

11 Q. And we talked a little bit about the distribution
12 process. You testified that people drove up in cars?

13 A. Yes.

14 Q. Did people come in cars, or did they walk up on foot?
15 Was it both?

16 A. Most of them, they come in cars, but there's some people
17 come in by walk.

18 Q. And how is it that you found yourself there on Saturdays
19 to witness the food distribution?

20 A. Say again?

21 Q. How is it that you found yourself at Dar Al-Farooq on
22 Saturdays to be a witness to that food distribution?

23 A. Because I am member of the Dar Al-Farooq, so I know it.
24 And people are benefitted for that, so -- even my family
25 benefit.

1 Q. Okay. Did you testify earlier that you're at the mosque
2 on weekends to open the doors?

3 A. Yes.

4 Q. Is that every weekend?

5 A. Yes.

6 Q. And was that every weekend during the pandemic?

7 A. Yes.

8 Q. Is that how --

9 A. Every, every weekend.

10 Q. Every week?

11 A. Yeah.

12 Q. And the food distribution that we're talking about, did
13 that happen week after week, month after month? How long
14 did it last?

15 A. Every Saturday.

16 Q. Every Saturday?

17 A. Yes.

18 Q. Was it for a couple of weeks, or was it for months?

19 A. Every Saturday.

20 Q. Every Saturday. Let me ask the question in a different
21 way. So it happened every Saturday, right?

22 And did it last -- how long did it last? Did it
23 go on for months? Did it go on for weeks?

24 A. Months.

25 Q. Months?

1 A. Yeah. Not only one month, but it's continuous. I
2 cannot remember exactly how many, but it was a long time.

3 Q. Did the distribution happen consistently week after
4 week?

5 A. Yes, it is.

6 Q. Do you have a sense of how many people who came to get
7 food every week?

8 A. I don't know that, because I'm not the one who counted.

9 Q. Okay. It wasn't your job? Is that a yes or a no?

10 We only need to -- so you can't nod for the court
11 reporter. She's got to be able to record your response.

12 So it wasn't your job to track how many people
13 were coming, right?

14 A. Not my job.

15 Q. Generally speaking, based on what you observed, was it a
16 lot of people who came or was it just a couple of people?

17 A. I see a lot of cars, because they are go in line, so I
18 see a lot of cars.

19 Q. Okay. But you don't know the exact number of people who
20 came for food?

21 A. (Moves head from side to side.)

22 Q. Mr. Haji, do you know a person by the name of Mukhtar
23 Shariff?

24 A. Yes, I know.

25 Q. Do you see Mr. Shariff here today in court?

1 A. Yes, I do.

2 Q. How do you know Mr. Shariff?

3 A. He's one of the member of DFC.

4 Q. Did you know him outside of the Dar Al-Farooq mosque?

5 A. I know him Dar Al-Farooq.

6 Q. Only Dar Al-Farooq?

7 A. Yes.

8 Q. Do you know if Mr. Shariff had anything to do with the
9 food that was being distributed at the mosque on Saturdays?

10 A. Yes.

11 Q. What was his role, as far as you could see?

12 A. I believe he's the -- he's one of the head.

13 Q. The head?

14 A. Yeah.

15 Q. So he helped run the distribution?

16 A. Yes.

17 Q. Mr. Haji, I want to show you what's been admitted into
18 evidence Exhibit N-24.

19 Can we pull that up, please?

20 So what I'm showing you -- do you see at the top
21 where it says meal claimed for Dar Al-Farooq Islamic
22 Center/ThinkTechAct?

23 A. Yes.

24 Q. So this is a chart that's been put together by the
25 government based on meal claims submitted for food served at

1 the Dar Al-Farooq mosque related to the Federal Child
2 Nutrition Program. Okay?

3 And I want to focus down where it says average
4 daily attendance. Do you see that?

5 A. Yes.

6 Q. Okay. So this reflects the number of children for which
7 claims were being submitted to receive food at the mosque.
8 So, for example, in January of 2021 it says the average
9 daily attendance or the average number of people receiving
10 food at the mosque was 2,000.

11 So you testified earlier that a bag of groceries
12 could contain food for multiple people, right?

13 A. Yes.

14 Q. And I'm going to represent to you that these numbers on
15 this chart reflect food being served at the Dar Al-Farooq
16 mosque, along with food served at a separate location called
17 the Oak Grove Middle School. Okay? So we have two
18 different locations.

19 And knowing that the bags of food that were
20 distributed could have meals for multiple families or could
21 be for multiple people, do you think the numbers on this
22 screen are reasonable or unreasonable?

23 A. I don't know that because, as I say before, I am not the
24 one who counted.

25 Q. Okay. That's fair. You didn't count. And I'm not

1 going to hold you to a certain number or ask you to guess,
2 but --

3 MR. EBERT: Your Honor, I object because it is
4 calling for speculation, and I think he's already asked and
5 answered the question.

6 THE COURT: Okay. Let her finish the question
7 first.

8 Go ahead.

9 BY MS. FALK:

10 Q. Based on what you saw at the mosque, the food that you
11 witnessed being distributed on Saturdays, do you think it's
12 reasonable that 2,000 people were served food in the month
13 of January 2021?

14 THE COURT: I'm going to overrule the objection.
15 You can answer if you can.

16 THE WITNESS: I can't.

17 BY MS. FALK:

18 Q. You can't. That's fair.

19 You can take that down. Thank you, Mr. Carlson.

20 Mr. Haji, there's been claims that food wasn't
21 served at the Dar Al-Farooq mosque. What is your reaction
22 to that?

23 A. People, they can say whatever they want, but I am the
24 witness. Every Saturday there's a truck coming in front of
25 the Dar Al-Farooq, and people there have benefitted, include

1 me.

2 Q. Including you?

3 A. Yes. And my family.

4 Q. You took food?

5 A. Yes.

6 Q. Did that food help your family?

7 A. Absolutely.

8 Q. Thank you, Mr. Haji. I don't have any further
9 questions.

10 A. Thank you.

11 THE COURT: Mr. Ebert, cross-examination, unless
12 any defense counsel wants to examine. Mr. Ebert.

13 MR. EBERT: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. EBERT:

16 Q. So I want to direct your attention back to the year
17 2021. In the year 2021 were you working at the Success
18 Academy?

19 A. No.

20 Q. Where were you working in 2021?

21 A. I used to, I used to do medical transportation in that
22 time. I used to work the company called Viking Airport
23 Taxi, but I am doing most of time medical transportation.

24 Q. So in the year 2021 how often would you go to
25 Dar Al-Farooq on a typical week?

1 A. Most of time I go there.

2 Q. Every day?

3 A. Every day.

4 Q. So in 2021 your testimony is that you would go to the
5 Dar Al-Farooq site every day in Bloomington; is that right?

6 A. Yes.

7 Q. And so based on being there every day in 2021 at
8 Dar Al-Farooq, Saturday is the one day that you saw the food
9 truck; is that right?

10 A. Yes.

11 Q. So if other witnesses testified that the food truck came
12 on days other than Saturday, would they be wrong?

13 A. I don't know, but only I saw Saturday.

14 Q. Because you were there every day, right?

15 A. Yes.

16 MR. EBERT: I have no further questions. Thank
17 you.

18 THE COURT: Thank you.

19 Ms. Falk?

20 MS. FALK: No questions. Thank you, Your Honor.

21 THE COURT: You may step down. Thank you for
22 being here.

23 THE WITNESS: Thank you.

24 THE COURT: You are done, yes.

25 THE WITNESS: Thank you.

1 THE COURT: Would you like a break?

2 MR. GOETZ: Could we have a sidebar, please?

3 THE COURT: Yes. We can take a 10-minute break.
4 Does that make sense?

5 MR. GOETZ: Yes.

6 THE COURT: All right. We're going to take a
7 10-minute break.

8 All rise for the jury, please.

9

10 **IN OPEN COURT**

11 **(JURY NOT PRESENT)**

12 THE COURT: You may all be seated.

13 Mr. Goetz, do you want to come forward with your
14 client?

15 MR. GOETZ: Yes, please.

16 THE COURT: Mr. Shariff, come on forward.

17 You may go forward.

18 MR. GOETZ: Thank you.

19 Mr. Shariff, we're here for the record before the
20 court, along with Andrew Mohring. And you've been
21 represented by me, Mr. Mohring, Ms. Falk for -- since the
22 indictment came down, correct?

23 DEFENDANT MUKHTAR MOHAMED SHARIFF: That's
24 correct.

25 MR. GOETZ: Or shortly thereafter. And we've

1 talked extensively about the trial and the rights that you
2 have with respect to this trial; is that right?

3 DEFENDANT MUKHTAR MOHAMED SHARIFF: That is right.

4 MR. GOETZ: One of those rights that you have is
5 the decision whether or not to testify. You understand
6 that?

7 DEFENDANT MUKHTAR MOHAMED SHARIFF: I do.

8 MR. GOETZ: You could choose not to testify; and
9 if you chose not to testify, nobody could comment on that.
10 You understand?

11 DEFENDANT MUKHTAR MOHAMED SHARIFF: I do.

12 MR. GOETZ: Nobody could say, "Mukhtar is holding
13 something back because he's not taking the stand."

14 DEFENDANT MUKHTAR MOHAMED SHARIFF: That's right.

15 MR. GOETZ: But if you do testify, which is your
16 right, you will go up on that witness stand, and certainly
17 we would ask you questions as your lawyers; but then you
18 will also be subject to cross-examination by one of the
19 prosecutors. You understand that?

20 DEFENDANT MUKHTAR MOHAMED SHARIFF: I understand
21 that.

22 MR. GOETZ: So knowing that it's absolutely -- I
23 mean, we've talked about it, and we won't go into what was
24 discussed. But knowing that it is absolutely your choice
25 whether you want to testify or not, what is your decision?

1 DEFENDANT MUKHTAR MOHAMED SHARIFF: I'm going to
2 testify.

3 THE COURT: You have a clear head today?

4 DEFENDANT MUKHTAR MOHAMED SHARIFF: I do.

5 THE COURT: Under the influence of any drugs or
6 alcohol?

7 DEFENDANT MUKHTAR MOHAMED SHARIFF: No, Your
8 Honor.

9 THE COURT: Anything else to impair your judgment?

10 DEFENDANT MUKHTAR MOHAMED SHARIFF: No.

11 THE COURT: And you've had enough time to make
12 this decision?

13 DEFENDANT MUKHTAR MOHAMED SHARIFF: I have.

14 THE COURT: And you understand you have an
15 absolute constitutional right to remain silent?

16 DEFENDANT MUKHTAR MOHAMED SHARIFF: That's
17 correct.

18 THE COURT: And you want to give that right up?

19 DEFENDANT MUKHTAR MOHAMED SHARIFF: Yes, Your
20 Honor.

21 THE COURT: Okay. All right. Then that's what
22 we'll do.

23 I'll bring the jury back in in a moment.

24 (Recess taken at 4:08 p.m. till 4:12 p.m.)

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IN OPEN COURT

(JURY PRESENT)

THE COURT: You may all be seated.

And the defense may call its next witness.

MR. GOETZ: Thank you, Your Honor. The defense calls Mukhtar Shariff.

THE COURT: Mr. Shariff, you may come forward.

MUKHTAR MOHAMED SHARIFF,

called on behalf of himself, was duly sworn, was examined and testified as follows:

THE WITNESS: I do.

THE COURT: Thank you. You may be seated.

And please state and spell both your first and last name for the record.

THE WITNESS: Mukhtar Shariff. M-U-K-H-T-A-R.
Last name Shariff, S-H-A-R-I-F-F.

THE COURT: Mr. Goetz, you may inquire.

MR. GOETZ: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. GOETZ:

Q. Good afternoon, Mr. Shariff.

A. Good afternoon, Mr. Goetz.

Q. So we've been sitting here together in this courtroom for, what, six weeks now?

A. Yes.

1 Q. The jury's seen you, but let's tell them a little bit
2 about you. Okay?

3 A. Sure.

4 Q. Let's start with your background. How old are you?

5 A. I am 33.

6 Q. All right. And we'll get to it, but you had to pause
7 for a second. Can you tell us why?

8 A. Yeah. So I was born 1991. In our culture, Somali
9 culture, it's not -- birth dates aren't celebrated. So it's
10 not really important the month of the year that you are
11 born. So a lot of us kind of pause. You know, I got to
12 think of what time of the year it is to give an exact
13 picture of, like, if I'm 34 yet.

14 Q. Okay. On your driver's license it has a date of birth,
15 though, right?

16 A. Yes.

17 Q. And that date of birth is what?

18 A. 1/1/1991.

19 Q. Okay. And do a lot of people from Somalia/East Africa
20 share that birth date just on the driver's license?

21 A. Yeah, there's a lot of us with January 1st birthdays.

22 Q. Okay. You could have a heck of a party if you planned
23 it that way.

24 A. Yeah, it's fun.

25 Q. Okay. Where do you live?

1 A. I live in Burnsville.

2 Q. Who do you live with?

3 A. I live with my wife and two children. Layna, she is
4 nine years old, and my son Halid is three, turning four.

5 Q. Halid?

6 A. Yeah.

7 Q. And so when was Halid born then?

8 A. Halid was born 2020. So a pandemic baby, COVID baby,
9 like a lot of people.

10 Q. Okay. Does your spouse work outside of the home?

11 A. She does.

12 Q. What does she do for a living?

13 A. She is a software engineer with Delta Airlines.

14 Q. And what's her name?

15 A. Patuma.

16 Q. Patuma. How long has she been with Delta?

17 A. She's been with them for almost three years, I think.

18 Q. Okay. So let's -- you mentioned your culture. So you
19 were born where?

20 A. I was born in Somalia.

21 Q. And where did you grow up?

22 A. So after the civil war, my family relocated as refugees
23 to the United States of America, like many people have done,
24 and I first settled with my family in the Boston area.

25 Q. Okay. Before the immigration -- let's just focus still

1 your family's in East Africa. You say family. How many
2 brothers and sisters do you have?

3 A. A lot. I'm one of 17.

4 Q. All right. So help us understand. Are they all from
5 your mother and father, or is it a broader family?

6 A. It's a broader family. So it's common in my culture to
7 have like a blended family, so that my father was married
8 throughout his life to different women, multiple women. So
9 my mom has eight children, and the other woman that my
10 father was married to has eight children, and then there was
11 one child prior to all that.

12 Q. Okay. All right. So you have seven whole siblings,
13 I'll say?

14 A. That's right.

15 Q. Okay. And you were born in Somalia. How old were you
16 when your family immigrated to the United States?

17 A. I would have been five around the time 1996.

18 Q. Okay. Do you remember that process, the immigration
19 process?

20 A. I remember, you know, leaving the refugee camp. I was
21 probably four or five years old.

22 And a lesser known fact about the refugee process
23 is you don't --

24 Q. So let me just --

25 A. Sorry.

1 Q. Let me just stop you. Okay?

2 The refugee camp. Where was the refugee camp that
3 you were living in?

4 A. It was in Kenya.

5 Q. All right. And who did you live with in the refugee
6 camp?

7 A. My entire family.

8 Q. And when you yourself came to the United States, who did
9 you come to the United States with?

10 A. I came to the United States with my father and some of
11 my siblings.

12 Q. Okay. At the same time?

13 A. No. We came at different times. And actually me -- I
14 was going to say strike that, but go ahead.

15 Q. Just we'll take it -- it's question by question. Okay?

16 A. Yeah, so it wasn't with my father. It was -- he came a
17 year later.

18 Q. Yeah. So let me clear that up.

19 A. Yes.

20 Q. When you yourself came to the United States, who did you
21 come to the United States with?

22 A. I came with an uncle and an aunt and a couple of my
23 siblings.

24 Q. All right. And when your uncle, your aunt and a couple
25 of siblings and you, you moved from the refugee camp or from

1 Kenya to the United States, where did the family go at that
2 point?

3 A. We went right outside of Boston.

4 Q. Okay. And at some point did other family members join
5 you in the United States?

6 A. Yes. We came in waves, I would call it.

7 Q. Who, in terms of the first wave, who was the next -- in
8 the next group of family members to come join your family
9 near Boston?

10 A. A year later, 1997, my father came with some of my other
11 siblings.

12 Q. And was there another wave of your family coming to join
13 you then after that?

14 A. Yep. We had another wave of some other siblings coming
15 in the early 2000s. And then my mother came in 2006, which
16 is ten years after we came here.

17 Q. Okay. And can you briefly just tell the jury why it was
18 that your family had to come over in a -- immigrate in a
19 staggered basis like that, rather than a unit? Do you know
20 why?

21 A. To my understanding, it was the number of people who
22 could come at any given time was limited. So you couldn't
23 just bring everyone with you. You would have to essentially
24 wait your turn. That's how I understood it.

25 Q. And how was that for you growing up, having your family

1 split up like that for so many years?

2 A. It was a little bit difficult, obviously, because, you
3 know, living, moving to a new country, essentially having
4 like a single father that took care of us. It was kind of
5 hard.

6 Q. Okay. So a year after you come over, your dad comes
7 over. You have some siblings. You're in the Boston area.
8 You're six years old now when your dad comes, right?

9 A. That's right.

10 Q. Approximately?

11 A. Yeah.

12 Q. So where does your family live then when your dad comes
13 to the United States?

14 A. Right outside of Boston in a place called Lynn,
15 Massachusetts.

16 Q. How long did your family stay in Lynn?

17 A. We stayed in Lynn till '99, and then we moved to Boston.

18 Q. And do you remember where you lived in Boston? For
19 those, you know, who might be familiar with the city, where
20 did you live when you lived in Boston?

21 A. Anyone familiar with Roxbury, Jamaica Plains? If that
22 rings any bells for anybody, that's where we lived.

23 Q. Okay. What kind of neighborhood was that?

24 A. A typical inner city neighborhood. A lot of crime, a
25 lot of drugs, gang activity. Just normal, I guess, inner

1 city, tough neighborhood.

2 Q. How long did your family live there then?

3 A. I think we spent about two to three years in that, in
4 that place.

5 Q. And then where did you move to?

6 A. My father decided to move us to Maine after that period.

7 Q. And where in Maine did your family move?

8 A. We moved to a place called Lewiston, Maine,
9 Lewiston/Auburn.

10 Q. Okay.

11 A. It's called the Twin Cities, ironically. They're the
12 same size separated by a bridge.

13 Q. All right. Like we have here?

14 A. Yeah.

15 Q. Okay. How was the living environment then when your
16 family moved up to Lewiston area as opposed to where you
17 were living in Boston?

18 A. Boston, it was very tough. You couldn't really play
19 outside. You were in the inner city.

20 Q. So what's Maine like?

21 A. Maine was different. I mean, anybody who comes from a
22 big city and moves to a town of I guess 20,000 people, it's
23 a huge kind of shift. And moving to a community where it
24 was -- you know, we're immigrants moving to a community that
25 was like 99 percent, like, white was very different for us

1 and adjusting to that.

2 Q. Okay. You mentioned your father a few times. Let's
3 just get a little more information about him. He was
4 raising the family at this point.

5 What does your father do for a living back then?

6 A. Back then it was -- I mean, he did whatever he could,
7 worked whatever job he could work to support the family; but
8 he also had, since my mom was not here yet, you know, the
9 duties of like the home life as well.

10 Q. Okay. And speaking of family, do you have any family in
11 the courtroom with you today?

12 A. Yep. They're in the back. My mom is there.

13 Q. Okay.

14 A. And my wife. She's going to get mad if I don't mention
15 her, so she's back there somewhere too.

16 Q. Okay. Any other family here today?

17 A. Yeah, there's a lot of them. I got my brother, cousins.

18 Q. Okay.

19 A. The guy with the mask I think is a friend of mine.

20 Q. Okay.

21 A. So --

22 Q. So is family important in Somali culture?

23 A. Very important.

24 Q. Okay. We'll come back to that.

25 What does your mother do for a living?

1 A. Just stay-at-home mom.

2 Q. Okay. Do you know how far your parents went in school?
3 What kind of educational background do they have?

4 A. Neither of my parents had ever went to school up until
5 taking some English classes in the United States.

6 Q. Now, you talked about you're from a family of eight
7 kids. So where do you fall in the birth order?

8 A. Number six out of eight.

9 Q. Okay. So you talked about living in Lewiston, Maine, or
10 in the Lewiston, Maine, area.

11 How long did the family live there in Lewiston?

12 A. We stayed in Lewiston/Auburn, Maine, that area, until
13 around 2009.

14 Q. And while you were in Lewiston, Maine -- I've lost track
15 of the math here, but you were about how old, from what age
16 to what age?

17 A. Like fifth grade till like first year of college.

18 Q. Okay. So did the family -- when the family moved, where
19 did they move to at that point?

20 A. We made a move to the opposite side of the country in
21 Seattle.

22 Q. Why?

23 A. So, I mean, at that time we just -- my dad had a cousin
24 that lived out in Seattle, and we were tired of the snow in
25 Maine, and so he suggested, and then we all decided to go.

1 Q. Okay. And so is your mother with you at this point?

2 A. She is.

3 Q. So was it the whole family then that moved from
4 Lewiston, your mother, your father and all seven siblings?

5 A. All of us except for a sister that was in Boston, she
6 stayed in Boston, and a brother of mine that had a job in
7 Washington, D.C.

8 Q. Okay. Your brother in Washington, D.C., what does he
9 do?

10 A. He was doing IT, I think, for the government at the
11 time.

12 Q. Okay. And your sister, what kind of work does she do,
13 the one you just mentioned who stayed behind?

14 A. The one that stayed behind used to do like hair at like
15 a salon.

16 Q. Okay. So when you moved to Seattle, what did you
17 yourself do when you moved to Seattle?

18 A. I was in my second year of college, so just college type
19 of work. I wasn't really -- I was just a student.

20 Q. Okay. So you said you started college in Maine. Where
21 did you go to school in Maine?

22 A. My first year was at the University of Maine in Orono,
23 which is northern Maine.

24 Q. All right. And when you moved to the Seattle area, you
25 said you continued your education. Where was that?

1 A. I went to a junior college or like a community college
2 my first year in Seattle.

3 Q. What were you studying for those two years?

4 A. I was studying management information systems, computer
5 science, those type of things.

6 Q. Is that an area that interest you?

7 A. Yes.

8 Q. So how far did you go in school then?

9 A. After the community college, I transferred to Washington
10 State University, WSU, which is in eastern Washington, about
11 six hours outside of Seattle, spent some time there and then
12 eventually didn't complete my studies, got very close, but
13 did not complete, came back to Seattle.

14 Q. Okay. And for those people who haven't been to eastern
15 Washington, it's very different than western Washington
16 state, correct?

17 A. That's correct.

18 Q. How would you describe the difference, just in terms of
19 the lay of the land?

20 A. Yeah. So Seattle is western Washington. That's where
21 most people live. Eastern Washington is like, you know, the
22 Windows XP background with like the hills and like the
23 greenery. That was actually shot in western -- in eastern
24 Washington. So all farmland, apples, Washington apples.

25 Q. Okay.

1 A. Yeah.

2 Q. So when you stopped your schooling then in eastern
3 Washington, where did you move to?

4 A. When I stopped my schooling, I moved back to Seattle.
5 So came back home. And then I decided to study abroad in
6 Cairo, Egypt, for a year, learn Arabic, cultural studies,
7 take time off from college.

8 Q. So let's talk about that a little bit. What was it that
9 attracted you or drew your interest to go studying in Egypt?

10 A. So I've always wanted to learn Arabic. I wanted to
11 learn like Arabic culture. I'm a Muslim, so our religious
12 text and scriptures are in Arabic. So if you want to learn
13 from like a primary source, you'd have to learn the language
14 the scripture is written in. So that's why I went to Cairo.

15 Q. And within the Islamic world, do educational
16 institutions in Egypt have a particular reputation?

17 A. Yes. So Egypt is known for being the top place in the
18 world for learning any Islamic sciences. It's where
19 Al-Azhar University is, the oldest -- I think one of the
20 oldest universities in the world, both Islamic and
21 non-Islamic. So it's like a place to learn.

22 Q. Okay. And when you were in Egypt, where were you? In
23 Cairo or where?

24 A. I spent some time in Cairo. Most of my time there was
25 in Cairo. And then I spent a few months in a village

1 somewhere.

2 Q. Okay. And you talked about studying Arabic. What else
3 were you studying while you were there?

4 A. So I studied Arabic. I also learned the Koran, which is
5 in Arabic. It's memorized by Muslims, if you can. It's
6 about 600 pages long, and I was memorizing that.

7 Q. Okay. And were you able to memorize the Koran?

8 A. I was.

9 Q. Okay. And you were 21 at this point?

10 A. Yes.

11 Q. Okay. So after -- and you are not married while you're
12 living in Egypt, are you?

13 A. No. Just solo.

14 Q. Okay. So you are studying Islamic studies, Arabic in
15 Egypt for a year and then you left. Where did you go then?

16 A. So when I was in Egypt was right around 2011. And
17 anybody that remembers, that was during the -- what do I
18 call it -- the Arab Spring. So that was a huge kind of
19 global event that lasted around 2011 to 2012. It got really
20 bad around that time. So I came back to the United States,
21 came back home to Seattle.

22 Q. And as I recall, things were particularly bad in Cairo,
23 specifically. You had the Muslim Brotherhood, that that was
24 then replaced by the military coup el-Sisi.

25 A. Yes.

1 Q. And you were there when all that happened?

2 A. I left right before it got really bad; but right after I
3 left, the military took over.

4 Q. Okay. So you came back to the United States?

5 A. That's right.

6 Q. And where in the United States did you return to?

7 A. I returned home to Seattle.

8 Q. And what did you do when you got back to the U.S.?

9 A. It was like a transition period for me. I wasn't
10 planning on coming back to Seattle, because I intended to
11 stay in Cairo for at least a few years to get ahold on the
12 language and the culture and the things I wanted to learn.

13 So I spent the first year trying to get back to
14 school, see what I wanted to study, do I want to graduate,
15 do I want to change fields, and then that took me up until
16 2013.

17 Q. And what path did you go down then in 2013? Did you go
18 back to school? Did you go back to work? Tell us what you
19 did.

20 A. 2013, I mean, it's a big year because I got married in
21 2013, right around that time. And so then I had to get
22 really serious about what I wanted to do. I couldn't just
23 keep bouncing back and forth.

24 So I decided to do two things. One of them was
25 pursue like computer science, but through an alternative

1 route, so not necessarily college, but like getting
2 certifications and boot camps and taking weekend courses.
3 And the second thing is wrapping up my entrepreneurship and
4 journey in that.

5 Q. Okay. We'll come back to your entrepreneurship, but
6 let's talk about the technical skills you were developing.
7 What area?

8 A. So I was focused mainly on just software engineering
9 related. So in 2013 a lot of, you know, boot camps started;
10 so three months, six months, you could spend five days a
11 week, instead of like two days a week in a college. So it
12 was very intensive. And I was focused on learning how to
13 make apps and websites and those type of things.

14 Q. Okay. And Seattle area, that's kind of a hub for
15 technology, tech firms, sort of like Silicon Valley. Would
16 you agree with that?

17 A. Absolutely.

18 Q. Microsoft, other big tech companies are there?

19 A. Yes.

20 Q. So did you get certifications then in that field that
21 you wanted to pursue?

22 A. I did.

23 Q. And were you able to use those certifications to find
24 any employment in your field?

25 A. Yes, I was able to.

1 Q. Tell us about that. What kind of jobs did you get?

2 A. So I got -- I mean, it wasn't necessarily a
3 certification, but I graduated from a tech boot camp in
4 full-stack development, which is, you know, building
5 websites that have both a front end and a back end, spent
6 six months doing that, five days a week, like ten hours a
7 day, very intensive. And then I got a job at Microsoft
8 right after that.

9 Q. Okay. What did you do at Microsoft?

10 A. At Microsoft I was a software engineer focused on
11 front-end development. I worked on Windows 10.

12 Q. Okay. Let's unpack a little bit or just help us
13 understand a little bit what you just said. "Front-end
14 development." What is that?

15 A. Front-end development is when you go to a website,
16 everything that you see. So all the buttons you click, the
17 pictures, how all that comes together. A designer will hand
18 you a photo of the thing you have to build, and you would go
19 and build it, and then people can use the product.

20 Q. So make the website work?

21 A. Yeah.

22 Q. Okay. Something from a static photograph to something
23 interactive, where you could go to different pages and all
24 of that stuff?

25 A. That's right.

1 Q. Okay. And how long did you do that work then for
2 Microsoft?

3 A. I was there for about two years, around two, maybe three
4 years. I can't recall, but around that time period.

5 Q. Okay. So now we are up to about 2015? Is that about
6 right?

7 A. No. This is, this -- I started at Microsoft 2014/2015
8 and stayed for about two years.

9 Q. Okay. So 2017 then?

10 A. Yeah.

11 Q. Approximately.

12 So I want to step aside for just a second from the
13 employment history. We'll get back to that. But I want to
14 ask you about Minnesota.

15 When did you first come to Minnesota, not to live,
16 but for any reason?

17 A. My first time ever coming to Minnesota was in 2007 for a
18 basketball tournament.

19 Q. Okay. Tell us a little bit about that. Tell us about
20 that basketball tournament that brought you to Minnesota in
21 2007.

22 A. So I played high school basketball. So I would have
23 been a junior in high school at this time, and I played
24 travel basketball, known as AAU basketball, and I went to a
25 tournament that happened to be in Minnesota. I came to

1 Minneapolis.

2 Q. Okay. And so did this have anything to do with the
3 Somali community or Somali basketball programs,
4 specifically, or was it more general?

5 A. It was a little bit of both. So I came with my travel
6 team, but we also had a, a like -- I mean, it happened also
7 to be Somali week, fairly closely to that time. So we stuck
8 around. So my other friends came, and we participated in
9 what's like a Somali week tournament, is what it was known
10 as.

11 Q. Okay. Did you have any family or any other connections
12 to Minnesota, you know, that you kind of reestablished or
13 looked into when you came for that basketball tournament?

14 A. I did.

15 Q. Tell us about that.

16 A. Minnesota has the largest, I guess, Somali diaspora
17 living here. So most people have family in Minnesota, if
18 you are Somali.

19 So when I came here in 2007, my parents told me,
20 hey, this cousin lives here and that cousin and gave us
21 phone numbers. And they picked us up, and we connected with
22 some family members for the first time.

23 Q. Okay. So was it a good trip?

24 A. It was a great trip. We drove here.

25 Q. That's a long drive.

1 A. Yeah.

2 Q. Okay. So you were here in 2007 for the basketball
3 tournament. It sounds like it lasted a couple weeks?

4 A. That's right.

5 Q. When is the next time then you would have come back to
6 Minnesota?

7 A. I actually came back the next summer for that same kind
8 of basketball tournament.

9 Q. Okay. So 2007 you were here, 2008. When's the next
10 time you came back after that?

11 A. After that, the next time I came was in 2016.

12 Q. Okay. And what was that reason in 2016?

13 A. In 2016 we came here to visit some family.

14 Q. And you're married at this point?

15 A. Yes.

16 Q. So when you say "we," tell us who you are referring to.

17 A. I came here with my wife, my daughter, which was a year
18 old at the time, and my mom and my brother and his son. So
19 it was like a group trip.

20 Q. Okay. A mini reunion kind of?

21 A. Yes.

22 Q. Okay. All right. So let's get back to your employment
23 then.

24 You were with Microsoft until I think about 2017.

25 And then where did you go for work after that?

1 A. While working at Microsoft, as happens on LinkedIn, a
2 lot of recruiters reach out. There was a company I had
3 always wanted to work for. I wanted to move into more of a
4 consulting role, instead of working at just a company. And
5 I got reached out to by a company called Slalom Consulting.
6 And so I accepted their offer to leave Microsoft and worked
7 for them.

8 Q. Tell us about Slalom Consulting. What kind of
9 consulting do they do?

10 A. So they're based in Seattle, Washington. They
11 essentially offer consulting services, mainly tech
12 consulting, some management consulting, strategy, to other
13 Fortune 500 companies.

14 Q. And what did you do then as a consultant with Slalom?

15 A. I started out doing tech consulting. So I was like a
16 software engineer. So instead of just building products
17 in-house for like Microsoft, you would be sent out to other
18 companies in the Seattle area to do projects for them that
19 would last anywhere from like three months, six months, a
20 year, two years, depending on the contract.

21 Q. Okay. So tell us about some of the projects you did
22 then with Slalom.

23 A. I did projects with Amazon. I did projects with
24 Starbucks corporate. They are both based in Seattle. I did
25 projects with T-Mobile, the cell phone carrier, who is also

1 headquartered in Seattle. I did projects with Liberty
2 Mutual, the emu kind of company, the insurance guys.

3 Q. I'm sorry. Did you say the emu?

4 A. Yeah.

5 Q. Do you mean like the commercial?

6 A. Yeah, that commercial, yeah.

7 Q. Emu and Doug, I think?

8 A. Yes, yes.

9 Q. Okay. All right. Got it.

10 A. Yeah.

11 Q. So you told us the clients that you worked for. What
12 kind of work did you do for those companies?

13 A. In the beginning I did mostly tech-related stuff. So we
14 would build -- I would build like apps, websites, systems.
15 And then I went into more like management. I was really
16 interested in marketing, so I would do a little bit of that,
17 digital marketing, but mainly tech, building products for
18 other companies.

19 Q. Okay. How long then were you with Slalom?

20 A. I stayed with them I think all the way till 2021.

21 Q. Okay. So we've talked about work that you were doing
22 for the company Microsoft and then Slalom.

23 While you were doing those, that employment, did
24 you ever -- you talked about entrepreneurship a while ago.
25 Did you ever pursue your entrepreneur, entrepreneuristic, if

1 there is such a word, interest?

2 A. I did. I've always wanted to do business in
3 entrepreneurship. I've done it pretty much on the side
4 since like high school.

5 So when I was in high school, Obama was running
6 for president, and I started selling Obama shirts to
7 everybody who wanted them. So that was my first kind of
8 large-scale thing that I did.

9 Prior to that, I used to sell on eBay when I was
10 like 15, 16 years old. So that's kind of where I started.

11 And then later on in life in 2013, 2012, I had a
12 cell phone business on the side. And after that, I started
13 a logistics business with my brother.

14 Q. So let me stop you there.

15 A. Yeah.

16 Q. Logistics. This was in Seattle?

17 A. Yes.

18 Q. And what did that involve, your logistics business?

19 A. So we were able to acquire a few trucks, and then, you
20 know, we hired drivers for the trucks. We got over-the-road
21 contracts. OTR is what it's called. So basically shipping
22 general goods across the United States, those, you know,
23 18-wheeler trucks that you see.

24 Q. Okay. And how long did you have that logistics company
25 with your brother?

1 A. We had it for -- so we started in 2013, and we kept that
2 till around 2017.

3 Q. Okay. Older brother? Younger brother?

4 A. My older brother.

5 Q. Okay. Any other entrepreneurial activities that you had
6 besides the cell phone company, the logistics company?
7 Anything else?

8 A. Yeah. So after we sold the logistics business, I got
9 into the restaurant business in Seattle.

10 Q. Tell us about that. What was the -- did your restaurant
11 have a name?

12 A. Yep. It was called Salama Restaurant. I bought it with
13 a friend of mine, and we operated it for some time.

14 Q. Could you just spell "Salama" for the record, please?

15 A. S-A-L-A-M-A, I think.

16 Q. And what type of restaurant was Salama? If we walked in
17 there today, what would we see?

18 A. It was like a traditional East African/Somali
19 restaurant.

20 Q. And how long did you have the Salama Restaurant?

21 A. I was in that business for probably a year, year and a
22 half.

23 Q. Okay. And then after you had that entrepreneurial
24 activity, did you do anything else in sort of an
25 entrepreneurial vein?

1 A. Yeah. So while working consulting, I realized that
2 these skills were very valuable. So in consulting sometimes
3 they would -- you have billable hours. So you would be
4 sending in your hours. And a lot of times your company
5 would share with you what they're billing for your hours.

6 So I started seeing what my company was charging
7 for my services, and it gave me confidence to be like, hey,
8 I could probably do this, you know, on the side on my own
9 and provide those services. And I started doing that.

10 Q. Okay. And did you do that under your name or a
11 different name?

12 A. I did that under my name, but I was doing business as
13 Wadani Consulting.

14 Q. W-A-D-A-N-I, correct?

15 A. That's right.

16 Q. So we've heard testimony about Wadani Consulting, and
17 there was some documents shown from the Minnesota Secretary
18 of State. We'll talk about that.

19 But when did you start that Wadani Consulting?

20 A. I think I had that as far back as maybe 2018.

21 Q. So to be clear, and for the record, did you start Wadani
22 Consulting as a shell company so you could open a bank
23 account to put in money for the food program?

24 A. Absolutely not.

25 Q. You in fact started it years before the pandemic?

1 A. Years before I ever got to Minnesota.

2 Q. Okay. Let's talk about that and some of the work that
3 you did there. All right?

4 What kind of consulting did you do with Wadani
5 Consulting?

6 A. So I did some tech consulting. So I'm building apps and
7 websites for other people, similar to what I did for my main
8 company.

9 I did strategy. So for small businesses that
10 wanted to like grow, you know, I did digital marketing,
11 which is like helping people get their business out there,
12 so creating social media pages, creating content, a strategy
13 around like how to get people to hear about your business.

14 Q. And you talked about work you did for small businesses.
15 Did you have some larger clients?

16 A. Yeah. So I worked with the Federal Government of
17 Somalia on some projects.

18 Q. Okay. So let's -- if we can look at what's been marked
19 for identification for the witness only as D7-201, please.

20 Thank you, Mr. Birrell.

21 Thank you, Ms. Falk.

22 We now have for the witness D7-201. Can you just
23 tell us what we're looking at?

24 A. So this is an invoice I sent to my client from Wadani
25 Consulting.

1 Q. So this is a document that you prepared?

2 A. That's right.

3 Q. And it's something that you kept in the regular course
4 of your business as Wadani Consulting?

5 A. That's correct.

6 Q. Appears to be true and correct?

7 A. Yes.

8 MR. GOETZ: Offer D7-201, Your Honor.

9 THE COURT: Any objection?

10 MR. THOMPSON: No objection.

11 THE COURT: D7-201 is admitted.

12 MR. GOETZ: Permission to publish, please?

13 THE COURT: Yes.

14 BY MR. GOETZ:

15 Q. So just tell us what now we're all looking at here,
16 Mr. Shariff.

17 A. So this is a project I did with the Federal Government
18 of Somalia. This is one of the invoices. So it's a longer
19 engagement. So over multiple months I was helping them
20 rebrand. This was specifically with the Federal Embassy in
21 Washington, D.C.

22 So I was working with them to give them a new
23 website to help Somali citizens process services related to
24 their country, like passport applications and other things.

25 Q. So it says at the top from Square. Who is Square, or

1 what is Square?

2 A. This Square is like a payment processor. You can send
3 invoices using their platform.

4 Q. And it says to info@wadaniconsulting.com. What is that?

5 A. That was my email and my website for my consulting
6 company.

7 Q. And it indicates that there is an overdue invoice since
8 October 30, 2019, in the amount of 1500. Could you just
9 explain that, please?

10 A. Yeah. So when I sent the invoice, I had the date on it;
11 and so if it passes the payment date, it's going to go
12 overdue. And I was looking to collect payment for my work.

13 Q. Okay. And Abdirahman Bashir, do you recognize that
14 name?

15 A. I do.

16 Q. Who is he?

17 A. He would be the first secretary of the embassy. So you
18 have the ambassador, and then you have the first secretary.
19 And he's the second, I guess, in charge there.

20 Q. He was your contact for this project that you were
21 working for on behalf of the Government of Somalia?

22 A. That's right.

23 Q. And it says Embassy Website Project. Is that the
24 project you described?

25 A. Yeah, this is one of the projects I did with them.

1 Q. Okay. And if -- and the date on this reminder is
2 December 12, 2019; is that right?

3 A. That's right.

4 Q. So let's look at D7-202. Just for the witness, please.

5 What are we looking at here? First of all, do you
6 recognize it?

7 A. I do.

8 Q. And what is it, generally?

9 A. This is an email that I had sent to the first secretary
10 at the embassy of the Federal Republic of Somalia.

11 Q. And how do you recognize it as such?

12 A. I see my "from" at the top, and then I recognize the
13 email itself.

14 Q. All right. And this is a document that you prepared in
15 part; is that right?

16 A. Yes.

17 MR. GOETZ: All right. Offer D7-202, Your Honor.

18 MR. THOMPSON: No objection.

19 THE COURT: D7-202 is admitted and may be
20 published.

21 BY MR. GOETZ:

22 Q. So this date of this document, the email, is January 5,
23 2020; is that right?

24 A. That's right.

25 Q. Obviously, the pandemic had not yet -- well, I guess it

1 was an epidemic at that point. It had not gotten to
2 pandemic stages, correct?

3 A. That's right.

4 Q. All right. And can you just tell us, just from bottom
5 to top, what we are looking at here?

6 A. So this, as I recall, would have been a document
7 explaining like scope, meaning we had agreed to do some work
8 previously and then the scope increased, so going from a
9 static website where you just have text and images, not too
10 much interactivity, to allowing them to book appointments
11 and complete applications directly on the website for
12 passports to streamline the embassy's operations.

13 Q. And so the subject is Website Design Images?

14 A. Yes.

15 Q. Is that a project you were doing for the Government of
16 Somalia?

17 A. It is.

18 Q. As Wadani Consulting?

19 A. Yes, sir.

20 Q. Before the pandemic?

21 A. Yes.

22 Q. Before you were involved in the food program?

23 A. That's correct.

24 Q. If we can look at D7-200, please.

25 Do you recognize what I have in front of you for

1 identification as Exhibit D7-200?

2 A. I do.

3 Q. And just describe generally what we're looking at.

4 A. This is an email I sent to that same individual at the
5 embassy of the Federal Republic of Somalia in
6 Washington, D.C.

7 Q. And how do you recognize it as such?

8 A. It's an email that I sent.

9 Q. You recognize your name on there?

10 A. Yes.

11 Q. Okay. Appear to be a true and correct copy of that
12 email?

13 A. Yes, it is.

14 MR. GOETZ: Offer D7-200, Your Honor.

15 Sure.

16 Can we just scroll down a page.

17 THE COURT: Any objection?

18 MR. THOMPSON: No objection.

19 THE COURT: D7-200 is admitted and may be
20 published.

21 BY MR. GOETZ:

22 Q. So let's look at the first page, Mr. Shariff. And just
23 tell the jury what we're looking at here and what kind of
24 project this involved.

25 A. Yeah. So after I was done with the website project, it

1 provided a lot of value to the embassy and their operations,
2 and they wanted to do further work with my consulting
3 company.

4 So they wanted basically to do like a virtual
5 commencement speech. As you know, this is May 26, 2020. So
6 like the heat, I guess, of COVID. Everything is closed at
7 this time. And so all of the graduations, I believe almost
8 all of them, were cancelled. So anybody who was graduating
9 in 2020 could not attend an in-person commencement.

10 Q. So let me just get you back to this document. So
11 virtual commencement speech class of 2020 by who? Who was
12 going to give that speech?

13 A. The Prime Minister of Somalia.

14 Q. And who was he going to give that speech to?

15 A. He was going to give that speech to professionals and
16 students across the Somalia diaspora that were a part of
17 SNABPI.

18 Q. Okay. So across the United States?

19 A. Yes.

20 Q. That were a part of -- what did you say?

21 A. SNABPI. S-N-A-B-P-I.

22 Q. Is that an acronym?

23 A. It is.

24 Q. What does it stand for?

25 A. It stands for Somalia North American Business

1 Professionals Inc.

2 Q. What was your relationship or involvement in SNABPI, if
3 any?

4 A. I was the founder of SNABPI in 2017.

5 Q. And when you founded SNABPI, what was the idea behind
6 it?

7 A. The idea was to connect Somali professionals in the
8 United States and Canada to each other for moving the
9 diaspora forward.

10 Q. Okay. "For moving the diaspora forward" meaning what?

11 A. So that means Somalia is a developing country. A lot of
12 other countries when they're in this phase are rebuilt or
13 they're developed by their diaspora. So they rely heavily
14 on people coming to places like the United States and going
15 back to Somalia to help rebuild the nation, and we wanted to
16 move that mission forward.

17 Q. Okay. And so how does this commencement speech, virtual
18 commencement tie into it?

19 A. Tie into SNABPI?

20 Q. Yeah. And the work that you were doing.

21 A. Yeah. So the Federal Government of Somalia was really
22 interested in obviously the rebuilding of the nation, and
23 they felt that one way to do that is to reach out to the
24 diaspora and get them to come back to the country and
25 contribute. And through this commencement speech, the

1 government would have access to the thousands of members
2 that we had in our group.

3 Q. So a way for the -- excuse me -- the leader of the
4 government in Somalia, the home country, if you will --

5 A. Yeah.

6 Q. -- to keep in touch with young professionals in the
7 United States with a Somali background?

8 A. That's correct.

9 Q. Let's go to the second page of this document. And so
10 you were doing this in your capacity as what?

11 A. So Wadani Consulting was doing kind of like the
12 technical aspect of this, like organizing the commencement
13 speech, preparing kind of like the landing page where people
14 were signing up to like attend it, doing the marketing
15 around it, and then the attendees were mainly from the
16 SNABPI group.

17 Q. Okay. But all of the work that you were doing is under
18 Wadani Consulting?

19 A. That's right.

20 Q. And let's -- I have one last exhibit in this topic.
21 D7-203, please.

22 What are we looking at here?

23 A. This is an invoice, an email of an invoice from Square
24 that I sent.

25 Q. Again, it's related to work you were doing for the

1 Government of Somalia?

2 A. Yeah, we did further work for them.

3 Q. Does this appear to be a true and correct copy of that
4 document?

5 A. It does.

6 MR. GOETZ: Offer D7-203.

7 MR. THOMPSON: No objection.

8 THE COURT: D7-203 is admitted and may be
9 published.

10 BY MR. GOETZ:

11 Q. And just so everyone can see. So this is similar to
12 what we looked at as D7-201. It's a little later in time.

13 This is a bill you sent for work dated
14 September 29, 2020; is that right?

15 A. That is right.

16 Q. And the work that you were doing, it indicates Website
17 Development Redesign. Can you just tell us a bit
18 practically what you were doing related to this invoice?

19 A. So basically in consulting when you do a project, you
20 have sometimes scope increases. So you agree on something
21 and then they want other work. So this is just an increase
22 of the scope to add more features to their website as their
23 operations demanded. So I was doing further work for them.

24 Q. Thank you.

25 MR. GOETZ: Your Honor, I'm just about to move to

1 another topic. Is this a good time?

2 THE COURT: It is.

3 We'll break tomorrow -- or break, and we'll return
4 tomorrow at 9:00.

5 All rise for the jury.

6

7

IN OPEN COURT

8

(JURY NOT PRESENT)

9 THE COURT: You may all be seated. We are off the
10 record. Let's just talk scheduling for a moment.

11

(Off the record)

12

MR. COTTER: Your Honor, I have just one small
13 thing to put on the record.

14

THE COURT: Sure.

15

Back on the record. Thank you.

16

MR. COTTER: Just real quickly.

17

18

There was one schedule, it's Exhibit M-21, which
19 is my client's account schedule, and it has one line item
20 that needs to be changed. Similar to Mr. Nur, it has
21 "weapons related." And I don't think there's any objection
22 that that would be changed to something like consumer goods
on that exhibit before it would go back to the jury.

23

THE COURT: Sure.

24

25

MR. JACOBS: That's right, Your Honor. If it's
okay with the court, we will change it to "retail" instead

1 of "weapons."

2 THE COURT: All right. Fair enough. That can be
3 changed and admitted as amended.

4 MR. COTTER: Thank you.

5 THE COURT: Part of what I think should happen
6 tomorrow afternoon is a reconciliation of the exhibits.
7 Again, let's talk about that, but I want to make sure that
8 if the jury begins deliberating Monday morning that they are
9 deliberating in earnest with exhibits. And so that will
10 save us some time as well.

11 I've given them the option of trying to deliberate
12 on a Saturday, and that doesn't work for them, and so we
13 won't, we won't do that, but that means that they should
14 start deliberating Monday morning. All right. It's a
15 general outline.

16 Anybody have anything else? All right. Have a
17 good evening, everyone.

18 THE CLERK: All rise.

19 (Court adjourned at 5:02 p.m., 05-29-2024.)

20 * * *

21 I, Renee A. Rogge, certify that the foregoing is a
22 correct transcript from the record of proceedings in the
23 above-entitled matter.

24 Certified by: /s/Renee A. Rogge
25 Renee A. Rogge, RMR-CRR