

Subject: Re: Serious Deficiency - House of Refuge

From: Aimee Bock <aimee@feedingourfuturemn.org>

Date: 8/30/2021, 12:09 PM

To: "Honer, Emily (MDE)" <Emily.Honer@state.mn.us>

CC: "Herrera, Monica (MDE)" <monica.herrera@state.mn.us>, "Johnson-Reed, Jeanette (MDE)" <jeanette.johnson-reed@state.mn.us>

BCC: Rhyddid Watkins [REDACTED]

Thanks Emily.

Jeannette,

House of Refuge submitted a claim for July 2021 that has raised substantial concerns with Feeding Our Future. In short, House of Refuge is claiming that it went from serving approximately 3,000 meals (breakfasts and lunches) per day to serving 21,000 meals per day. This is contrary to the instructions and guidance provided by Feeding Our Future and a substantial departure from its past practices. We have reviewed the supporting documents provided by House of Refuge and conducted our own investigation. At this time, we have too many concerns with the claim to submit it to MDE and believe it is likely overstated.

In response to our inquiries, House of Refuge has repeatedly stated it has a good relationship with MDE, and that it was relying on advice and guidance from MDE in deciding to increase its distribution by over 700%. For example, House of Refuge has claimed that it has regular conversations with MDE; that MDE has provided House of Refuge training and guidance generally (including an in-person training session); that MDE is days away from approving House of Refuge as a sponsor; and that MDE specifically said House of Refuge could serve 21,000 meals per day, 7 days a week. We have no insights into these conversations and would appreciate MDE understanding of the advice it has given to ensure we are all on the same page.

We have prepared the attached draft notice of proposed termination and request that you review it, and provide technical assistance. This is the first time that Feeding Our Future has encountered such a situation, and would appreciate MDE's guidance on how to proceed. We would also appreciate a better understanding of the advice and guidance that MDE has been providing to House of Refuge to ensure we have all the facts.

Please let us know as soon as possible if you can provide your thoughts and guidance on our attached draft letter.

Feeding Our Future has some concerns about House of Refuge's July 2021 claim submission and have outlined those concerns in the attached DRAFT notice of proposed termination. Because House of Refuge has made repeated representations that it is in discussions with MDE; that it has been trained by MDE; and that it is almost approved as a sponsor, we were hoping you would review our DRAFT letter.

Any additional information or insight you have is appreciated,

Aimee

On Mon, Aug 30, 2021 at 12:03 PM Honer, Emily (MDE) <Emily.Honer@state.mn.us> wrote:

Hi Aimee,

I'm going to connect you with Jeanette on this issue. The SFSP handbooks are linked below.

<https://www.fns.usda.gov/sfsp/handbooks>

Emily Honer, MBA

Supervisor, Business Operations support Services

Minnesota Department of Education

1500 Highway 36 West, Roseville, MN 55113

education.mn.gov



From: Aimee Bock <aimee@feedingourfuturemn.org>

Sent: Monday, August 30, 2021 11:06 AM

To: Herrera, Monica (MDE) <monica.herrera@state.mn.us>; Honer, Emily (MDE) <Emily.Honer@state.mn.us>

Subject: Serious Deficiency - House of Refuge

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Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Good Morning Monica,

I am requesting technical assistance with regard to the House of Refuge. We have had a number of concerns with regard to their July claim and intend to find them Seriously Deficient.

This is the first time we have encountered something like this, so I am asking you to review our draft SD and provide technical assistance as needed.

I am also aware that they have been working with MDE, so I want to make sure we are all on the same page.

Thanks,

Aimee

--

Aimee Bock

Founder/Executive Director

Office: 612.345.4922

Cell [REDACTED]

Fax: 651.379.8752

www.feedingourfuturemn.org

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FEEDING OUR FUTURE

NOTICE OF PROPOSED TERMINATION AND DISQUALIFICATION

August 30, 2021
Feeding our Future
3055 Old Hwy 8, Suite 312
Minneapolis, MN 55418

House of Refuge Outreach
520 Atwater Circle
St. Paul, MN 55103

PROPOSED TERMINATION AND DISQUALIFICATION

Feeding our Future has reviewed and investigated the July 2021 claim for reimbursement that House of Refuge Outreach ("House of Refuge") submitted to Feeding Our Future for payment. Based on our review, Feeding Our Future has substantial concerns about the number of meals House of Refuge claims to be serving; its decision not to comply with Feeding Our Future's directions; and its apparent inability to provide supporting documents.

Based on the information currently available, Feeding Our Future has made the preliminary determination that House of Refuge provided false or misleading information; it violated federal food program regulations; and it breached its contract with Feeding Our Future.

House of Refuge has until 5 p.m. on Friday, September 3, 2021, to provide additional information to support its July 2021 claim. If House of Refuge fails to provide sufficient information, Feeding Our Future will move forward with:

1. Terminating House of Refuge's agreement with Feeding our Future to participate in the Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP) for cause; and
2. Disqualifying House of Refuge and the responsible individuals from future CACFP participation.

Feeding Our Future may also move forward with additional actions it deems necessary to ensure program integrity and compliance with all federal and state laws.

VOLUNTARY TERMINATION

If House of Refuge voluntarily terminates its agreement with Feeding Our Future, or otherwise fails to fully and completely respond, Feeding our Future will move forward with terminating House of Refuge and putting it and its director on the National Disqualified List ("NDL").



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While on the NDL, House of Refuge will not be able to participate in the CACFP or SFSP as an institution or facility. The director and any other responsible individuals will also not be able to serve as a principal in any institution or facility or as a day care home provider in the CACFP or SFSP.

Institution and individuals remain on the NDL until USDA's Food and Nutrition Service in consultation with the Minnesota Department of Education, determines that the serious deficiencies have been corrected, or until seven years after their disqualification. However, if any debt relating to the serious deficiencies has not been repaid, they will remain on the list until the debt has been repaid.

For additional information on the NDL, please review federal regulations or contact the USDA or MDE.

SERIOUS DEFICIENCIES AND REQUIRED CORRECTIVE ACTION

FAILURE TO KEEP ACCURATE AND COMPLETE RECORDS

Feeding Our Future has substantial concerns about the number of children House of Refuge claims to be serving. Historically, House of Refuge has represented that it served up to 1,400 meals per day. From April through June 2021, House of Refuge served an average of 1,358 meals per day. When House of Refuge was approved under Feeding Our Future's sponsorship to participate in the Summer Food Service Program (SFSP), it was approved by MDE to increase its number to 3,000 meals per day.

Because of limited USDA waivers issued in response to the COVID-19 pandemic, House of Refuge was authorized to package its meals into weekly bundles. That allowed children to pick up 7 meals at a single visit. As Feeding Our Future repeatedly explained, the USDA authorization to bundle meals did not increase the total number of meals that House of Refuge was authorized to distribute. Whether bundled or provided individually, House of Refuge was authorized to distribute up to 3,000 meals per day, for a total of 21,000 per week.

House of Refuge explained that it was complying with the limits by distributing 3,000 bundles of 7 meals per week. House of Refuge also explained that it was distributing its 3,000 weekly bundles on Wednesdays and on Sundays.

In its July 2021 claim, however, House of Refuge represented that it had suddenly increased its distribution by 700%. House of Refuge claimed that it was serving 3,000 bundles of 7 meals per day, every day of the week. While House of Refuge was serving 3,000 children per week a total of 21,000 meals, it now claims that it was serving 21,000 children a total of 147,000 meals per week. For example, the week of June 23, 2021, House of Refuge claimed that it fed a total of 1,014 children. The next week, July 5, 2021, House of Refuge reported that number skyrocketed to 20,682.

House of Refuge's claimed increase in food distribution raises a number of concerns. First, in a meeting on August 17, 2021, Feeding Our Future explained that House of Refuge could not serve more than 21,000 total meals per week. Feeding Our Future was clear and unequivocal that House of Refuge's contract was limited to 21,000 meals per week. In response, House of Refuge claimed that it had a good relationship with MDE; that it was almost approved by MDE to be a sponsor; and that MDE had provided

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training and guidance at House of Refuge. House of Refuge also explained that they spoke with Monica Herrera at MDE and got her permission to distribute 21,000 meals per day. House of Refuge's decision to disregard Feeding Our Future's direction was a breach of contract. Feeding Our Future has also not seen confirmation from MDE that it unilaterally chose to advise House of Refuge that it could breach its contract with Feeding Our Future and serve over 120,000 meals per week more than Feeding Our Future advised.

Feeding Our Future is also concerned because it has not received sufficient documentation to substantiate the number of children and meals House of Refuge is claiming to be serving. Feeding Our Future has not received sufficient meal counts; receipts for the purchase of food from distributors; descriptions and timesheets showing the labor hours required to package and distribute 21,000 meals per day; or an explanation of the 21,000 children per week House of Refuge is serving.

Feeding Our Future is also concerned because House of Refuge has not changed or increased any of its advertising. House of Refuge continues to advertise that it provides meals on Wednesdays and Sundays. We have been unable to find any publicly available information letting the community know that you are now serving seven days a week.

Feeding Our Future requests that House of Refuge provide at least the following documentation, along with anything else it believes supports its claim:

1. A letter from Monica Herrera or other MDE representative explaining that MDE authorized House of Refuge to serve 21,000 meals per day;
2. An explanation of how House of Refuge was able to go from serving fewer than 1,500 children per week to serving 21,000 children per week in a single week, including who the children are and how House of Refuge ensures that it is serving 21,000 unique children;
3. Documentation showing that House of Refuge has sufficient staff to bundle, package, and distribute 21,000 meals per day, including how it was able to staff up so quickly and any documentation showing its employees and confirmation of their pay;
4. Receipts from US Halal Foods Wholesale Food Distribution showing that it is providing sufficient food to House of Refuge's vendor to allow it to serve 21,000 meals per day; and
5. A list of individuals who can confirm that House of Refuge is actually serving 21,000 meals per day to 21,000 unique families.

HOME DELIVERY

During the August 17, 2021, meeting at Feeding Our Future's offices, House of Refuge claimed for the first time that it was also delivering food to family homes. House of Refuge's failure to inform Feeding Our Future of its program change was a breach of contract and a violation of federal regulations.

During the August 17, 2017, meeting, Sharon Ross with Feeding Our Future asked Sharon Ross to provide copies of the signed authorization forms required by the USDA for home



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delivery. Although Ms. Ross initially explained she did not have any forms, she later said she did and would provide them to Feeding Our Future.

August 18, 2021 from Feeding our Future went to House of Refuge to pick up the delivery the authorizations. House of Refuge, however, refused to provide any. That same day, Aimee Bock sent a follow up email again explaining that Feeding Our Future needs a copy of all delivery authorizations.

The following week, on August 26, 2021, Aimee Bock and Sharon Ross met to discuss the vendor concerns and the need for delivery authorizations. Ms. Ross stated she thought they had been sent and would resend them. To date, Feeding our Future has not received a copy of the required delivery authorizations.

To address these concerns, Feeding Our Future requests that House of Refuge provide at least the following documentation, along with anything else it believes supports its claim:

1. An explanation of when and why House of Refuge changed its program to start providing home delivery;
2. All efforts House of Refuge made to discuss its change of program with either MDE or Feeding Our Future, including the specific dates and individuals involved in the conversations;
3. All delivery authorizations; and
4. The identity of the individuals who deliver the meals and receipts showing their payment and hours worked.

FALSE AND MISLEADING INFORMATION

Ms. Ross has repeatedly represented that House of Refuge has been serving 21,000 unique children each day. As you know, Feeding Our Future has a policy of requiring vendors to provide proof of purchase from distributors on request. Feeding Our Future has repeatedly asked to see receipts from House of Refuge's distributor, US Halal Foods Wholesale Food Distribution.

Ms. Ross has represented that House of Refuge has provided all the receipts for food that was purchased from US Halal Foods Wholesale Food Distribution. After a thorough review, Feeding Our Future has determined that the receipts do not match House of Refuge's claim.

For example, if House of Refuge was distributing approximately 3,000 bundled meals per day for 26 days, it would require at least 78,000 gallons of milk to meet the federal requirements. House of Refuge has not provided anywhere near sufficient invoices to show it purchased 78,000 gallons of milk. As part of Feeding our Future's investigation into House of Refuge's claim, it conducted a site visit to US Halal Foods on August 27, 2021. US Halal Foods showed Feeding our Future staff its processes and systems. Based on that review and our discussions with US Halal Foods, Feeding Our Future has substantial concerns that House of Refuge did not purchase the amount of food it claims to have distributed.



FEEDING OUR FUTURE

To address these concerns, Feeding Our Future requests that House of Refuge provide at least the following documentation, along with anything else it believes supports its claim:

1. An explanation of why House of Refuge has failed to provide the receipts from US Halal Foods that Feeding Our Future has requested;
2. All receipts House of Refuge claims support the purchase of food that it distributed; and
3. An explanation of how House of Refuge ensured that its 21,000 daily meals complied with the meal component requirements of the federal regulations.

UNAUTHORIZED FUNDS

As you know, federal regulations preclude vendors from making financial contributions to sites in exchange for participation in the federal food program.

During a meeting on August 26, 2021, Sharon Ross told Aimee Bock that Hanna Markegan with Brava Café had agreed to make a monthly donation to House of Refuge in exchange for House of Refuge's agreement to continued use of Brava Café as its vendor. On hearing that, Feeding Our Future immediately terminated Brava Café as the vendor for cause and explained that House of Refuge would need to work with a different vendor.

As you know, Sharon Ross and Hanna Markegan have both signed and agreed to be bound by Feeding Our Future's procurement procedures which make clear that: "The officers, employees, and agents of PROGRAM may neither solicit nor accept gifts (gratuities, favors, or anything of monetary value) from vendors."

To address these concerns, Feeding Our Future requests that House of Refuge provide at least the following documentation, along with anything else it believes supports its claim:

1. An explanation of why Brava Café agreed to make a monthly donation to House of Refuge, including the terms of the agreement;
2. Any documentation or receipts explaining how any money from Brava Café was used.

UNSUPPORTED COMPLAINTS

Since Feeding Our Future terminated Brava Café as House of Refuge's vendor, House of Refuge has interfered with and prevented Feeding Our Future's new vendor from providing meals. In particular, Ms. Ross in partnership with Brava Café has harassed the new vendor, continued to contract with Brava Café, and made false and unsupported allegations about the new vendor.

On August 27, 2021, Ms. Ross sent an email to Feeding Our Future and MDE making false and disparaging allegations about the new vendor.

To address these concerns, Feeding Our Future requests that House of Refuge provide at least the following documentation, along with anything else it believes supports its claim:

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1. All documents, photographs, video recordings, communications, text messages, or other documents that support the allegations in your August 27, 2021, email to Feeding Our Future and MDE.

SUMMARY

Feeding our Future has conducted a thorough investigation of House of Refuge's July 2021 claim for reimbursement. Based on its investigation, Feeding Our Future has determined that it has insufficient information to submit the claim for reimbursement. Feeding Our Future has also reached the preliminary determination that House of Refuge has likely knowingly submitted a false claim with the intent to defraud the federal food program.

House of Refuge has until 5 p.m. on September 5, 2021 to submit the requested documentation and anything else it may have to support its claim.

If House of Refuge fails to provide sufficient information, Feeding Our Future will terminate its relationship with House of Refuge and refer House of Refuge and Ms. Ross to the National Disqualified List.

Feeding Our Future is also considering other measures that may be necessary to ensure program integrity and that potential fraud is reported to the appropriate authorities for their investigation.

If you have any questions or concerns, please feel free to reach out to Feeding Our Future in writing by sending an email to Aimee Bock at aimee@feedingourfuturemn.org.

Sincerely,

Aimee Bock
Founder/Executive Director
Feeding our Future

cc: Minnesota Department of Education – Food and Nutrition Services
Rhyddid Watkins – Counsel for Feeding Our Future

Subject: RE: FW: Serious Deficiency - House of Refuge
From: "Honer, Emily (MDE)" <Emily.Honer@state.mn.us>
Date: 9/1/2021, 8:06 AM
To: Aimee Bock <aimee@feedingourfuturemn.org>, "Korte, Daron (MDE)" <daron.korte@state.mn.us>, "Herrera, Monica (MDE)" <monica.herrera@state.mn.us>
CC: "Johnson-Reed, Jeanette (MDE)" <jeanette.johnson-reed@state.mn.us>

If the number of meals you reference is not in CLICS, then it was not approved by anyone at MDE. CLICS is also the route for claim submission and payment, if Feeding Our Future did not submit the claim or receive payment, then it was not completed either.

Emily Honer, MBA
Supervisor, Business Operations support Services

Minnesota Department of Education
1500 Highway 36 West, Roseville, MN 55113
education.mn.gov



From: Aimee Bock <aimee@feedingourfuturemn.org>
Sent: Tuesday, August 31, 2021 4:59 PM
To: Honer, Emily (MDE) <Emily.Honer@state.mn.us>; Korte, Daron (MDE) <daron.korte@state.mn.us>; Herrera, Monica (MDE) <monica.herrera@state.mn.us>
Cc: Johnson-Reed, Jeanette (MDE) <jeanette.johnson-reed@state.mn.us>
Subject: Re: FW: Serious Deficiency - House of Refuge

Thanks Emily, but I am still unclear. House of Refuge is telling us that Monica said they could serve 21,000 meals every day, seven days a week. Is that true? They have also told us that MDE approved submission and payment of this claim. Is that true?

Jeanette, please let me know if you have any additional suggestions on our revised letter.

Is there anything else MDE recommends that we do?

I would like to get this letter out as quickly as possible.

Thanks,

Aimee

On Tue, Aug 31, 2021 at 4:39 PM Honer, Emily (MDE) <Emily.Honer@state.mn.us> wrote:

Hi Aimee,

Regarding the second bullet point of your email:

CLiCS is the technology used to submit and approve or not approve applications. The House Of Refuge site application for the current SFSP Program Year has not been approved for anything additional than what Feeding Our Future submitted.

Emily Honer, MBA

Supervisor, Business Operations support Services

Minnesota Department of Education

1500 Highway 36 West, Roseville, MN 55113

education.mn.gov



From: Aimee Bock <aimee@feedingourfuturemn.org>

Sent: Monday, August 30, 2021 7:42 PM

To: Johnson-Reed, Jeanette (MDE) <jeanette.johnson-reed@state.mn.us>

Cc: Honer, Emily (MDE) <Emily.Honer@state.mn.us>

Subject: Re: FW: Serious Deficiency - House of Refuge

Thank you for the response, we appreciate the help. I have just a few follow up questions:

1. I understand from your response that MDE does not expect sponsors to send serious deficiency letters when it suspects fraud. Instead, we are expected to send a letter noting the non-compliance and requesting corrective action. Please let me know if MDE expects us to do anything more or different.
2. Can MDE help us understand its conversations with House of Refuge? As I noted in my email earlier today, House of Refuge is claiming that it has substantial communications with MDE, and that it had permission from Monica Herrera to increase its distribution by 700% to 21,000 meals per day. It would help us evaluate the situation if MDE could let us know whether that is true.
3. Attached is our revised letter. Please let me know if this draft comports with MDE's expectations and best practices.

Many thanks,
Aimee

On Mon, Aug 30, 2021 at 6:10 PM Johnson-Reed, Jeanette (MDE) <jeanette.johnson-reed@state.mn.us> wrote:

Aimee,

Sorry I didn't get to this today. At first glance you should just treat the document as notice of non-compliance, and requirement of corrective actions. Also state that if the findings of non-compliance are not corrected it will lead to termination of the SFSP operations at that site.

Also, regarding the notice:

1. The current program in operation during the summer is SFSP, and so remove the language about CACFP.
2. There currently is no process or recommendation for sponsors of SFSP to declare their own sites SD.
 - a. There is no expectation by a state agency that a sponsor would declare their own site in SFSP as seriously deficient. Sponsors hold the operational oversight in SFSP including, procurement, operational practices, as well as site personnel. Because the sponsor has the operational control for all of their feeding locations we would not expect that a sponsor would declare their own feeding location as SD in SFSP. We would expect the sponsor would correct any program non-compliance, or discontinue operations at that site if site staff were uncooperative.
3. There is no National Disqualified List (NDL) for SFSP there is ***no authorization to disqualify***. Disqualification does not exist in SFSP regulation.

Regarding the termination of SFSP operations at a site, if there is an Agreement between the sponsor and site and the agreement includes a termination clause, I recommend you follow the agreement terms.

Let me know if you need more guidance. I'll let you work on this much for now.

Jeanette Johnson-Reed

Supervisor CACFP & SFSP

Office [REDACTED] | jeanette.johnson-reed@state.mn.us

Minnesota Department of Education

1500 Highway 36 West, Roseville, MN 55113

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From: Honer, Emily (MDE) <Emily.Honer@state.mn.us>

Sent: Monday, August 30, 2021 12:11 PM

To: Johnson-Reed, Jeanette (MDE) <jeanette.johnson-reed@state.mn.us>

Subject: FW: Serious Deficiency - House of Refuge

Emily Honer, MBA

Supervisor, Business Operations support Services

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From: Aimee Bock <aimee@feedingourfuturemn.org>

Sent: Monday, August 30, 2021 11:06 AM

To: Herrera, Monica (MDE) <monica.herrera@state.mn.us>; Honer, Emily (MDE) <Emily.Honer@state.mn.us>

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Good Morning Monica,

I am requesting technical assistance with regard to the House of Refuge. We have had a number of concerns with regard to their July claim and intend to find them Seriously Deficient.

This is the first time we have encountered something like this, so I am asking you to review our draft SD and provide technical assistance as needed.

I am also aware that they have been working with MDE, so I want to make sure we are all on the same page.

Thanks,

Aimee

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Aimee Bock

Founder/Executive Director

Office: 612.345.4922

Cell: [REDACTED]

Fax: 651.379.8752

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Subject: RE: FW: Serious Deficiency - House of Refuge
From: "Johnson-Reed, Jeanette (MDE)" <jeanette.johnson-reed@state.mn.us>
Date: 9/7/2021, 7:00 AM
To: Aimee Bock <aimee@feedingourfuturemn.org>
CC: "Honer, Emily (MDE)" <Emily.Honer@state.mn.us>

Aimee,

I do not have additional comments on your revised letter.

From: Aimee Bock <aimee@feedingourfuturemn.org>
Sent: Monday, August 30, 2021 7:42 PM
To: Johnson-Reed, Jeanette (MDE) <jeanette.johnson-reed@state.mn.us>
Cc: Honer, Emily (MDE) <Emily.Honer@state.mn.us>
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Jeanette Johnson-Reed

Supervisor CACFP & SFSP

Office [REDACTED] | jeanette.johnson-reed@state.mn.us

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Emily Honer, MBA

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Fax: 651.379.8752

www.feedingourfuturemn.org

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From: Rhyddid Watkins
Sent: Thursday, September 2, 2021 9:47 AM
To: Kristine Nogosek <Kristine.Nogosek@ag.state.mn.us>
Subject: RE: Serious Deficiency - House of Refuge

MDE has provided little-to-no help. We have a number of questions that they continue to not answer, including:

1. We would like to understand the conversations MDE has had with House of Refuge. As we mentioned in a number of emails. Feeding Our Future told House of Refuge that it was limited to serving 21,000 meals per week. House of Refuge is telling us that MDE approved them to serve 21,000 meals per day. Despite directly and repeatedly asking MDE to explain its conversations, it has responded only by saying that House of Refuge is limited to the number of meals approved in CLICS. For reasons I do not understand, MDE has not explained the conversations it has had. MDE providing advice and guidance to our sponsors without telling us is becoming increasingly problematic. Could we please get a direct, clear statement from MDE stating the number of meals House of Refuge is authorized to serve per week and whether it made that clear to House of Refuge.
2. This is the first time that we have suspected any of our sites of submitting a fraudulent claim and we need guidance on the best way for us to proceed. So far, Jeanette has said only that we need not find them seriously deficient. Please provide clear guidance on how Feeding Our Future should handle the situation.
3. We sent the attached draft to Jeannette Johnson Reed and asked for any technical assistance to ensure it was appropriate. We got back an out of office note saying that she was out until September 8th. We need guidance on whether anyone else can look at the letter, or whether we should wait for her. We are concerned that we need to respond quickly because we suspect fraud, and because House of Refuge has hired counsel who is threatening to sue us. Frankly, I think waiting until September 8th is unacceptable and puts Feeding Our Future at greater risk of litigation. We were hoping to send the letter out on Monday, but have already been delayed waiting for guidance and direction from MDE.

Thanks,
Rhyddid

Rhyddid Watkins
Admitted to the CO and MN Bar



MARTIN | HILD, P.A.

ATTORNEYS AT LAW

2851 S. PARKER RD., SUITE 460 | AURORA, CO, 80014

CO

Web: WWW.MARTINHILD.COM

VCARS

From: Kristine Nogosek <Kristine.Nogosek@ag.state.mn.us>

Sent: Thursday, September 2, 2021 9:00 AM

To: Rhyddid Watkins [REDACTED]

Subject: RE: Serious Deficiency - House of Refuge

What is unhelpful with MDE's responses?

Kristine K. Nogosek

Assistant Attorney General

she/her/hers

OFFICE OF THE MINNESOTA ATTORNEY GENERAL

445 Minnesota Street, Suite 1400

St. Paul, MN 55112

kristine.nogosek@ag.state.mn.us

Administrative Assistant

Karina Cativo Diaz

From: Rhyddid Watkins [REDACTED]

Sent: Thursday, September 2, 2021 9:55 AM

To: Kristine Nogosek <Kristine.Nogosek@ag.state.mn.us>

Subject: RE: Serious Deficiency - House of Refuge

No, we are getting unhelpful emails from Emily and out of office responses from Jeannette Johnson Reed. We need to understand MDE's advice on how to proceed but waiting weeks to get it is not an option.

Rhyddid Watkins

Admitted to the CO and MN Bar



MARTIN | HILD, P.A.

ATTORNEYS AT LAW

2851 S. PARKER RD., SUITE 460 | AURORA, CO, 80014

CO

Web: WWW.MARTINHILD.COM

VCARD

From: Kristine Nogosek <Kristine.Nogosek@ag.state.mn.us>

Sent: Thursday, September 2, 2021 8:53 AM

To: Rhyddid Watkins [REDACTED]

Subject: RE: Serious Deficiency - House of Refuge

Are you saying you're getting out of office responses from me? If you are, please let me know because you shouldn't be and I will need my IT group to look into it. My understanding is that FOF is in contact with MDE. What is it that you want my help with?

Kristine K. Nogosek

Assistant Attorney General

she/her/hers

OFFICE OF THE MINNESOTA ATTORNEY GENERAL

445 Minnesota Street, Suite 1400

St. Paul, MN 55112

kristine.nogosek@ag.state.mn.us

Administrative Assistant

From: Rhyddid Watkins

Sent: Thursday, September 2, 2021 9:18 AM

To: Kristine Nogosek <Kristine.Nogosek@ag.state.mn.us>

Subject: FW: Serious Deficiency - House of Refuge

Because you have not responded to this email and we are getting out of office responses, we will proceed with the input and direction we got from MDE. The matter cannot continue to be delayed.

Rhyddid Watkins

Admitted to the CO and MN Bar



MARTIN | HILD, P.A.
ATTORNEYS AT LAW

2851 S. PARKER RD. SUITE 460 | AURORA, CO, 80014

From: Rhyddid Watkins

Sent: Monday, August 30, 2021 10:11 AM

To: Kristine Nogosek <Kristine.Nogosek@ag.state.mn.us>

Subject: FW: Serious Deficiency - House of Refuge

Kristine,

Feeding Our Future has substantial concerns about a claim submitted by House of Refuge, one of its sites. Would you have time to discuss? We would like MDE's input into the process.

Many thanks,
Rhyddid

Rhyddid Watkins

Admitted to the CO and MN Bar



MARTIN | HILD, P.A.

ATTORNEYS AT LAW

2851 S. PARKER RD, SUITE 460 | AURORA, CO 80014

Web: www.martinhild.com

[vCARD](#)

From: Aimee Bock <aimee@feedingourfuturemn.org>

Sent: Monday, August 30, 2021 10:06 AM

To: Herrera, Monica (MDE) <Monica.Herrera@state.mn.us>; Honer, Emily (MDE) <Emily.Honer@state.mn.us>

Subject: Serious Deficiency - House of Refuge

Good Morning Monica,

I am requesting technical assistance with regard to the House of Refuge. We have had a number of concerns with regard to their July claim and intend to find them Seriously Deficient.

This is the first time we have encountered something like this, so I am asking you to review our draft SD and provide technical assistance as needed.

I am also aware that they have been working with MDE, so I want to make sure we are all on the same page.

Thanks,

Aimee

--

Aimee Bock

Founder/Executive Director

Office: 612.345.4922

Cell

Fax: 651.379.8752

www.feedingourfuturemn.org

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Attachments: _____

House of Refuge - Notice of Non-Compliance .docx

3.5 MB



Aimee Bock <aimee@feedingourfuturemn.org>

Response to Request for Clarification

1 message

Honer, Emily (MDE) <Emily.Honer@state.mn.us>

Thu, Sep 2, 2021 at 5:51 PM

To: Aimee Bock <aimee@feedingourfuturemn.org>

Cc: "Johnson-Reed, Jeanette (MDE)" <jeanette.johnson-reed@state.mn.us>, "Herrera, Monica (MDE)" <monica.herrera@state.mn.us>

Hi Aimee,

Rhyddid Watkins sent requests to our attorney, Kristine Nogosek, for clarification. This email is to recap those requests and provide the requested clarification.

Recap of Requests

1. Clarification of conversations between MDE and House of Refuge.
2. Options for how Feeding Our Future can address a suspected fraudulent claim from a site
3. Review draft letter of non-compliance to House of Refuge

Clarifications from MDE (corresponding to bullet points above)

1. House of Refuge has called multiple staff at MDE. The inquiries seemed to start when House of Refuge contacted MDE because a vendor had not been paid. House of Refuge also inquired about how many meals their site was approved to serve. MDE's response has consistently been that House of Refuge needs to work with their sponsor. MDE has provided confirmation of the approved site application in CLICS but MDE has been very clear with House of Refuge that MDE will not make other approvals for a site application without a direct sponsor request. Any data that has been confirmed is found in the MDE public data report titled *Summer Food Service Program Participation* report.
2. MDE takes no position if fraud has taken place, but assuming that Feeding Our Future has reason to suspect fraud then the following two options seem appropriate:
 - a. If Feeding Our Future has reason to suspect that site staff are submitting claims for meals that have not been served then Feeding Our Future should not claim those meals in CLICS. Feeding Our Future should work to determine the validation of the claims submitted by the site staff and review the monitoring documentation of that site. According to the site supplement provided in the application, the staff site monitor (Bisharo Mohamed) of Feeding Our Future was responsible for this site. The site supplement states that bulk meals would be provided and also states a pre-operation visit, a 1-week visit and a 4-week visit would be completed- look at what Bisharo documented from his conducted visits.
 - b. If Feeding Our Future believes the meal counts submitted are correct but believes the invoice from the Food Service Management Company (FSMC) vendor does not match the claim, then the claim can be submitted in CLICS and the dispute would be between the vendor (Brava Café) and Feeding Our Future. The contract Feeding Our Future uploaded to their application for this site states \$2.13/breakfast and \$3.67/lunch. The invoice should be straight forward based on the meals served multiplied by the contract rate.
 - i. Please refer to SFSP Administrative Guide for Sponsors regarding FSMC, specifically p.90 of Contract Responsibility and Payment [7 CFR 225.6(h)(2)(ix)] – Neither USDA nor the State agency has any jurisdiction in the payments made to the FSMC.
 - ii. https://fns-prod.azureedge.net/sites/default/files/sfsp/SFSP_Admin_Guide_Sept2016.pdf

3. Draft Letter

- a. Feeding Our Future and its attorneys need to decide whether to send the Notice of Non-Compliance, and if so, what the content of the notice should be. These are legal decisions that need to be made and MDE

cannot weigh in.

Emily Honer, MBA

Supervisor, Business Operations support Services

Minnesota Department of Education

1500 Highway 36 West, Roseville, MN 55113

education.mn.gov



Subject: Notice of Noncompliance and Request for Additional Documentation

From: Aimee Bock <aimee@feedingourfuturemn.org>

Date: 9/7/2021, 9:08 AM

To: Sharon Ross <sross@hortc.org>, "MDE, FNS (MDE)" <mde.fns@state.mn.us>, "Johnson-Reed, Jeanette (MDE)" <jeanette.johnson-reed@state.mn.us>, "Herrera, Monica (MDE)" <Monica.Herrera@state.mn.us>, "Honer, Emily (MDE)" <Emily.Honer@state.mn.us>, Rhyddid Watkins <lrw@martinhild.com>

Good Morning,

Please see the attached Notice of Noncompliance and Request for Additional Documentation. We look forward to receiving your response and documentation by Friday September 10, 2021.

Thanks,

Aimee

--

Aimee Bock

Founder/Executive Director

Office: 612.345.4922

Cel:

Fax: 651.379.8752

www.feedingourfuturemn.org

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—Attachments:—

Notice of Noncompliance and Request for Additional Documentation.pdf

94.8 KB



FEEDING OUR FUTURE

NOTICE OF NON-COMPLIANCE AND REQUEST FOR ADDITIONAL DOCUMENTATION

September 7, 2021

Feeding our Future
3055 Old Hwy 8, Suite 312
Minneapolis, MN 55418

House of Refuge Outreach
520 Atwater Circle
St. Paul, MN 55103

NOTICE OF NON-COMPLIANCE

Feeding our Future has reviewed and investigated House of Refuge Outreach's ("House of Refuge") July 2021 claim for reimbursement submitted to Feeding Our Future for payment. Based on our review, Feeding Our Future has substantial concerns about the number of meals House of Refuge claims to be serving; its decision not to comply with Feeding Our Future's directions; and its apparent inability to provide supporting documents.

Feeding Our Future sends this notice of non-compliance to inform House of Refuge that its July 2021 claim does not comply with federal regulations or its contract with Feeding Our Future. House of Refuge has until 5 p.m. on Friday, September 10, 2021, to provide additional information to support its July 2021 claim. If House of Refuge fails to provide sufficient information, Feeding Our Future will move forward with:

1. Terminating House of Refuge's agreement with Feeding our Future to participate in the Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP) for cause; and,
2. Any additional actions Feeding Our Future deems necessary to ensure program integrity and compliance with all federal and state laws.

NON-COMPLIANCE AND REQUIRED CORRECTIVE ACTION

FAILURE TO KEEP ACCURATE AND COMPLETE RECORDS

Feeding Our Future has substantial concerns about the number of children House of Refuge claims to be serving. Historically, House of Refuge has represented that it served up to 1,400 meals per day. From April through June 2021, House of Refuge served an average of 1,358 meals per day. When House of

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Refuge was approved under Feeding Our Future's sponsorship to participate in the Summer Food Service Program (SFSP), it was approved by MDE to increase its number to 3,000 meals per day.

Because of limited USDA waivers issued in response to the COVID-19 pandemic, House of Refuge was authorized to package its meals into weekly bundles. That allowed children to pick up 7 meals at a single visit. As Feeding Our Future repeatedly explained, the USDA authorization to bundle meals did not increase the total number of meals that House of Refuge was authorized to distribute. Whether bundled or provided individually, House of Refuge was authorized to distribute up to 3,000 meals per day, for a total of 21,000 per week.

House of Refuge explained that it was complying with the limits by distributing 3,000 bundles of 7 meals per week. House of Refuge also explained that it was distributing its 3,000 weekly bundles on Wednesdays and Saturdays.

In its July 2021 claim, however, House of Refuge represented that it had suddenly increased its distribution by 700%. House of Refuge claimed that it was serving 3,000 bundles of 7 meals per day, every day of the week. While House of Refuge was serving 3,000 children per week a total of 21,000 meals, it now claims that it was serving 21,000 children a total of 147,000 meals per week. For example, the week of June 23, 2021, House of Refuge claimed that it fed a total of 1,014 children. The next week, July 5, 2021, House of Refuge reported that number skyrocketed to 20,682.

House of Refuge's claimed increase in food distribution raises a number of concerns. First, during training and in a meeting on August 17, 2021, Feeding Our Future explained that House of Refuge could not serve more than 21,000 total meals per week. Feeding Our Future was clear and unequivocal that House of Refuge's contract was limited to 21,000 meals per week. In response, House of Refuge claimed that it had a good relationship with MDE; that it was almost approved by MDE to be a sponsor; and that MDE had provided training and guidance at House of Refuge. House of Refuge also explained that they spoke with Monica Herrera at MDE and got her permission to distribute 21,000 meals per day. House of Refuge's decision to disregard Feeding Our Future's direction was a breach of contract. Feeding Our Future has also spoken with MDE and they have declined to confirm House of Refuge's representations. Regardless of any discussion House of Refuge may have had with MDE, it cannot serve more than 21,000 meals per week with Feeding Our Future.

Feeding Our Future is also concerned because it has not received sufficient documentation to substantiate the number of children and meals House of Refuge is claiming to be serving. Feeding Our Future has not received sufficient meal counts; receipts for the purchase of food from distributors; descriptions and timesheets showing the labor hours required to package and distribute 21,000 meals per day; or an explanation of the 21,000 children per week House of Refuge is serving.

Feeding Our Future is also concerned because House of Refuge has not changed or increased any of its advertising. House of Refuge continues to advertise that it provides meals on Wednesdays and

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Saturday. We have been unable to find any publicly available information letting the community know that you are now serving seven days a week.

Feeding Our Future requests that House of Refuge provide at least the following documentation, along with anything else it believes supports its claim:

1. A letter from Monica Herrera or other MDE representative explaining that MDE authorized House of Refuge to serve 21,000 meals per day for a total of 147,000 per week;
2. An explanation of how House of Refuge was able to go from serving fewer than 1,500 children per week to serving 21,000 children per week in a single week, including who the children are and how House of Refuge ensures that it is serving 21,000 unique children;
3. Documentation showing that House of Refuge has sufficient staff to bundle, package, and distribute 21,000 meals per day, including how it was able to staff up so quickly and any documentation showing its employees and confirmation of their pay;
4. Receipts from US Halal Foods Wholesale Food Distribution showing that it is providing sufficient food to House of Refuge's vendor to allow it to serve 21,000 meals per day; and
5. A list of individuals who can confirm that House of Refuge is actually serving 21,000 meals per day to 21,000 unique youth.

HOME DELIVERY

During the August 17, 2021, meeting at Feeding Our Future's offices, House of Refuge claimed for the first time that it was also delivering food to family homes. House of Refuge's failure to inform Feeding Our Future of its program change was a breach of contract and a violation of federal regulations.

During the August 17, 2017, meeting, _____ with Feeding Our Future asked Sharon Ross to provide copies of the signed authorization forms required by the USDA for home delivery. Although Ms. Ross initially explained she did not have any forms, she later said she did and would provide them to Feeding Our Future.

August 18, 2021. _____ from Feeding our Future went to House of Refuge to pick up the delivery the authorizations. House of Refuge, however, refused to provide any. That same day, Aimee Bock sent a follow up email again explaining that Feeding Our Future needs a copy of all delivery authorizations.

The following week, on August 26, 2021, Aimee Bock and Sharon Ross met to discuss the vendor concerns and the need for delivery authorizations. Ms. Ross stated she thought they had been sent and would resend them. To date, Feeding our Future has not received a copy of the required delivery authorizations.

To address these concerns, Feeding Our Future requests that House of Refuge provide at least the following documentation, along with anything else it believes supports its claim:

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1. An explanation of when and why House of Refuge changed its program to start providing home delivery;
2. All efforts House of Refuge made to discuss its change of program with either MDE or Feeding Our Future, including the specific dates and individuals involved in the conversations;
3. All delivery authorizations; and
4. The identity of the individuals who deliver the meals and receipts showing their payment and hours worked.

FALSE AND MISLEADING INFORMATION

Ms. Ross has repeatedly represented that House of Refuge has been serving 21,000 unique children each day. As you know, Feeding Our Future has a policy of requiring vendors to provide proof of purchase from distributors on request. Feeding Our Future has repeatedly asked to see receipts from House of Refuge's distributor, US Halal Foods Wholesale Food Distribution.

Ms. Ross has represented that House of Refuge has provided all the receipts for food that was purchased from US Halal Foods Wholesale Food Distribution. After a thorough review, Feeding Our Future has determined that the receipts do not match House of Refuge's claim.

For example, if House of Refuge was distributing approximately 3,000 bundled meals per day for 26 days, it would require at least 78,000 gallons of milk to meet the federal requirements. House of Refuge has not provided anywhere near sufficient invoices to show it purchased 78,000 gallons of milk. As part of Feeding our Future's investigation into House of Refuge's claim, it conducted a site visit to US Halal Foods on August 27, 2021. US Halal Foods showed Feeding our Future staff its processes and systems. Based on that review and our discussions with US Halal Foods, Feeding Our Future has substantial concerns that House of Refuge did not purchase the amount of food it claims to have distributed.

To address these concerns, Feeding Our Future requests that House of Refuge provide at least the following documentation, along with anything else it believes supports its claim:

1. An explanation of why House of Refuge has failed to provide the receipts from US Halal Foods that Feeding Our Future has requested;
2. All receipts House of Refuge claims support the purchase of food that it distributed; and
3. An explanation of how House of Refuge ensured that its 21,000 daily meals complied with the meal component requirements of the federal regulations.

UNAUTHORIZED FUNDS

As you know, federal regulations preclude vendors from making financial contributions to sites in exchange for participation in the federal food program.

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During a meeting on August 26, 2021, Sharon Ross told Aimee Bock that Hanna Marekegan with Brava Café had agreed to make a monthly donation to House of Refuge in exchange for House of Refuge's agreement to continued use of Brava Café as its vendor

As you know, Sharon Ross and Hanna Marekegan have both signed and agreed to be bound by Feeding Our Future's procurement procedures which make clear that: "The officers, employees, and agents of PROGRAM may neither solicit nor accept gifts (gratuities, favors, or anything of monetary value) from vendors."

To address these concerns, Feeding Our Future requests that House of Refuge provide at least the following documentation, along with anything else it believes supports its claim:

1. An explanation of why Brava Café agreed to make a monthly donation to House of Refuge, including the terms of the agreement;
2. Any documentation or receipts explaining how any money from Brava Café was used.

UNSUPPORTED COMPLAINTS

Since Feeding Our Future terminated Brava Café as House of Refuge's vendor, House of Refuge has interfered with and prevented Feeding Our Future's new vendor from providing meals. In particular, Ms. Ross has harassed the new vendor, continued to contract with Brava Café, and made false and unsupported allegations about the new vendor.

On August 27, 2021, Ms. Ross sent an email to Feeding Our Future and MDE making false and disparaging allegations about the new vendor.

To address these concerns, Feeding Our Future requests that House of Refuge provide at least the following documentation, along with anything else it believes supports its claim:

1. All documents, photographs, communications, text messages, or other documents that support the allegations in your August 27, 2021, email to Feeding Our Future and MDE.

SUMMARY

Feeding our Future has conducted a through investigation of House of Refuge's July 2021 claim for reimbursement. Based on its investigation, Feeding Our Future has determined that it has insufficient information to submit the claim for reimbursement. Feeding Our Future has also reached the preliminary determination that House of Refuge has likely knowingly submitted a false claim with the intent to defraud the federal food program.

House of Refuge has until 5 p.m. on **September 10, 2021** to submit the requested documentation and anything else it may have to support its claim.

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If House of Refuge fails to provide sufficient information, Feeding Our Future will terminate its relationship with House of Refuge and take all other action that may be necessary to ensure compliance with federal and state laws and the protection of the program integrity.

If you have any questions or concerns, please feel free to reach out to Feeding Our Future in writing by sending an email to Aimee Bock at aimee@feedingourfuturemn.org.

Sincerely,

Aimee Bock
Founder/Executive Director
Feeding our Future

cc: Minnesota Department of Education – Food and Nutrition Services
Rhyddid Watkins – Counsel for Feeding Our Future
Michael Cain – Counsel for Brava Cafe



November 15, 2021

VIA E-MAIL

Attorney for Brava Café and House of Refuge
3400 East Lake Street
Minneapolis, MN 55406

Re: *House of Refuge & Brava Café Claims*

Michael:

This letter follows Feeding Our Future's September 7, 2021, letter; House of Refuge and Brava Café's joint September 10, 2021, response, and our subsequent emails and phone calls. This letter confirms and explains that Feeding Our Future has thoroughly investigated House of Refuge and Brava Café's claims for July and August 2021 and found them to be fraudulent. The documents and responses provided confirm that House of Refuge and Brava Café did not go from serving 1,358 meals per day to 21,000 meals per day overnight as they claim. Rather, we have determined that Ms. Sharon Ross with House of Refuge and Ms. Hanna Marekegan with Brava Café worked together to intentionally submit fraudulent claims seeking to defraud the federal government of millions in federal funds intended to feed needy children. No claims for House of Refuge will be submitted for July or August 2021 and the matter will be referred to MDE, USDA, and the appropriate authorities for their investigation. Moreover, Feeding Our Future has also determined that Brava Café breached its contract with Feeding Our Future and it hereby requests repayment of damages in the amount of \$130,000.

As we have exhaustively discussed, House of Refuge was only approved to serve up to 3,000 meals per day. House of Refuge did not have authority from Feeding Our Future or MDE to increase its service to 21,000 meals per day. While we agree that MDE's initial communication with House of Refuge and with Feeding Our Future has been unclear, unhelpful, and disappointing, it does not change the fact that House of Refuge was only approved to serve 3,000 meals per day. Feeding Our Future repeatedly explained this to House of Refuge, and at no point did House of Refuge ever request or discuss an increase with Feeding Our Future. On this basis alone, Feeding Our Future has determined the claims violate federal law, are in breach of contract with Feeding Our Future, and cannot be submitted.

When House of Refuge applied as a site with Feeding Our Future, Sharon Ross explained that House of Refuge was serving approximately 1,500 children per day, and that she thought it could double that amount. Ms. Ross also explained that she intended to continue the practice of distributing food on Wednesdays and every other Saturday. After discussion, Feeding Our Future



agreed to submit an application for House of Refuge as a site distributing up to 3,000 meals per day.

On Wednesday, June 30, 2021, Feeding Our Future's staff met with Sharon Ross and confirmed that House of Refuge understood it was to distribute no more than 3,000 meals per day, and that they were distributing meals only on Wednesdays and every other Saturday. The following week, Wednesday, July 7, 2021, returned to House of Refuge and monitored their distribution of food. Again, Ms. Ross confirmed that they were distributing 3,000 meals per day in meal packages distributed on Wednesdays and every other Saturday. There was no mention of food being distributed on any other days or at any other locations.

On Wednesday, July 21, 2021, from Feeding Our Future and again monitored distribution at House of Refuge. Once again, there was no mention of food being distributed on any other days or at any other locations.

On Thursday, July 22, 2021, Feeding Our Future staff attended an event hosted by House of Refuge and MDE at House of Refuge's location. They saw no food distributed, no signs placed, no preparation for food distribution, and again there was no mention of any food being distributed any other days or at any other locations.

When House of Refuge submitted its July claim, it had a number of inconsistencies that raised questions from Feeding Our Future. In response to those concerns, House of Refuge claimed for the first time that it was serving not 3,000 meals per day, but 21,000. After an initial investigation, on September 7, 2021, Feeding Our Future sent a letter articulating many of its concerns and asking for an explanation and supporting documentation. House of Refuge and Brava Café provided a joint response through your office, as their joint attorney.

House of Refuge and Brava Café explained that the 18,000 meal per day increase was explained by home deliveries and through deliveries to a network of approximately 14 churches. Feeding Our Future asked for supporting documentation, including the names and contact information of people who could confirm the claim. The information House of Refuge and Brava provided was conflicting and only raised more concerns.

As an initial matter, House of Refuge and Brava Café's claim to be distributing food through a network of churches contradicts the claim information they provided. House of Refuge provided a number of "Summer Meal Counts – Clicker" forms signed by Ms. Ross. Those forms claim that all the food was distributed at House of Refuge. There is not a single form that suggests a single meal was distributed at any other site.

Moreover, House of Refuge and Brava Café understand that they cannot distribute food at new sites unless and until those sites are approved by MDE. Contrary to your representations, none of the churches provided are approved sites. In fact, neither House of Refuge nor Brava Café even asked Feeding Our Future to submit an application for any of those sites. To the extent House of



Refuge or Brava Café delivered any meals to sites other than House of Refuge, they did so in breach of their contracts with Feeding Our Future and in violation of federal law. As a result, none of those meals are reimbursable.

Moreover, House of Refuge and Brava Café were unable to provide a consist list of the churches where they claimed to be distributing food, much less explain how many meals were distributed at each site; when the meals were distributed; or provide contact information for a single individual who could confirm the meals were actually distributed. The initial list provided on September 10th had 13 churches but included no supporting documentation of any kind. On September 28th, House of Refuge and Brava Café submitted a new list deleting three churches without explanation. They also submitted letters from only 2 of the churches listed and from 4 new, previously undisclosed places that were not included on either list.

House of Refuge and Brava Café failed to provide any support that food had actually been distributed at any of those locations, and were unable to find any support through our investigation. We conducted internet and social media searches of the purported sites and were unable to find a single mention of food distribution through SFSP. We also called each site and were unable to find a single person that had heard of House of Refuge or that could confirm meals had been distributed in July and August as claimed.

Moreover, despite repeated requests House of Refuge and Brava Café were unable to identify how many meals were distributed at each site. From a review of the letters provided, they claim that a total of 1,200 meals were being distributed or would be distributed at some point in the future. They provide no detail about whether that is a daily, weekly, or monthly total, nor do they provide a timeframe of when the purported meals were distributed.

House of Refuge also claimed to be serving a number of meals through home deliveries. When asked to provide all the authorizations it had for home deliveries, House of Refuge provided authorizations for a total of 112 daily meals. Simply put, the purported distribution at the churches and through home deliveries do little to account for House of Refuge's incredible purported growth.

House of Refuge also repeatedly ignored our questions about how it was staffing such a massive operation. The number of labor hours required to plan, package, and distribute 21,000 meals 7 days a week is extraordinary. To put it in perspective, House of Refuge claims to be distributing more food than any other site in the state, or likely the country, by well over 15,000 children per day. It would mean that every two days House of Refuge is serving enough children to exceed the capacity of Target Field. Many United Nations food operations are incapable of that kind of scale. Despite our repeated requests, House of Refuge has not provided any explanations of how it could possibly have scaled that large that fast.

We also asked for an explanation of how it could possibly have found such a significant demand. Identifying 21,000 children per day, 7 days a week that qualify for the food program is a



Herculean task. Even more impressive, House of Refuge claims to be reaching 21,000 children per day without any identifiable advertising. House of Refuge's website says only that it distributes food every Wednesday and every other Saturday, for two hours each. As this letter is being written, House of Refuge's website says only:

SHOPPING WITH DIGNITY FOOD DISTRIBUTION

EVERY WEDNESDAY - 5:00P.M. - 7:00P.M.

1ST & 3RD SATURDAY - 10:00A.M. - 12:00P.M.

It is not possible to serve that many children in that small a window of time, much less to do so without significant traffic, parking, and crowd issues. Still more impressive is that 21,000 children somehow learned about House of Refuge's distribution without any discernible information having been made available to them.

We also asked House of Refuge and Brava Café to provide receipts confirming that they purchased enough food to meet the meal patterns for 21,000 meals per day as they claimed. In response, Brava Café provided a number of invoices. Even a cursory review, however, shows that Brava Café did not purchase anything close to what it claimed. For example, Brava Café's July receipts were short 57,729 gallons of milk and its August receipts were short 40,207 gallons. The receipts provided confirm that it is not possible that House of Refuge and Brava Café distributed the meals they claim.

Similarly, on September 29th Feeding Our Future requested Brava Café to provide "books and records pertaining to vendor's food service fund" for the last three years as required under its contract with Feeding Our Future. Brava Café failed to provide any documentation showing expenses for food purchased in breach of its contract.

Additionally, our September 7, 2021, letter noted that Ms. Ross told Ms. Aimee Bock with Feeding Our Future that Hanna Marekegan with Brava Café was going to make a monthly "contribution" to House of Refuge in exchange for using Brava Café as a vendor. While you have denied that Ms. Ross made the statement, we are confident in our position. She clearly and undeniably told Ms. Bock that a contribution was being made. Such an arrangement clearly violates federal law and is likely criminal.

In sum, House of Refuge and Brava Café's claims to have distributed 21,000 meals per day every day in July and August are without support and have been determined by Feeding Our Future to be fraudulent. None of the claims will be submitted and the appropriate authorities will be informed of Feeding Our Future's findings as required by the federal regulations.



While it was not decisive in our determination, we were troubled by a number of other issues we discovered about Brava Café's conduct. For example, we received reports that Brava Café has harassed, intimidated, and threatened other sites working with Feeding Our Future, leading at least one site to seek a restraining order. We also received a troubling email from a represented individual that has been indicted in a \$5.4 million health care fraud conspiracy claiming to be an investor in Brava Café. We also understand that Brava Café has received \$100,000 in advancement for food from one site and refused to repay the loan. Again, these incidents did not in isolation disprove Brava Café's claims, they do raise a number of additional red flags.

Based on the concerns we outlined in our September 7th letter, House of Refuge's failure to provide the required supporting documents and information, Feeding Our Future has determined in its experience and judgment that the July and August claims were fraudulent, in violation of federal law, and in breach of contract. Feeding Our Future will not be submitting any of the claims.

Finally, Brava Café's contract with Feeding Our Future requires it to pay Feeding Our Future's costs associated with Brava Café's noncompliance with the contract. This letter is to inform you that those costs exceed \$130,000. Feeding Our Future hereby demands immediate payment of those damages.

Very truly yours,



RHYDDID WATKINS
Martin | Hild, P.A.

cc: Aimee Bock, Feeding Our Future
Monica Herrera, MDE

