

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 22-124(8) (NEB/DTS)

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	GOVERNMENT'S POSITION
v.	)	REGARDING SENTENCING
	)	
HAYAT MOHAMED NUR,	)	
	)	
Defendant.	)	

The United States of America, by and through its attorneys, Joseph H. Thompson, Acting United States Attorney for the District of Minnesota, and Harry M. Jacobs, Matthew S. Ebert, and Daniel W. Bobier, Assistant United States Attorneys, submits the following sentencing memorandum and respectfully requests that the Court impose a sentence of 87 months in prison.

I. BACKGROUND

Defendant Hayat Nur was convicted of participating in a massive fraudulent scheme to obtain federal child nutrition program funds intended to provide free meals to children in need. The defendant and her conspirators obtained, misappropriated, and laundered more than \$50 million in program funds that were intended as reimbursements for the cost of serving meals to children. They did so by exploiting changes in the program intended to ensure underserved children received adequate nutrition during the Covid-19 pandemic. Nur and her conspirators took advantage of the Covid-19 pandemic—and the resulting program changes—to enrich themselves

by fraudulently misappropriating millions of dollars in federal child nutrition program funds.

Nur was recruited to the fraud scheme by her brother and co-defendant Abdimajid Nur. Her brother recruited her to create fake documents to support the fraud. These included all the core materials necessary to the scheme's success: fake meal count sheets, fake invoices, and fake attendance rosters containing the names of the children purportedly fed by the conspirators. At trial, the government introduced exhibits showing Abdimajid Nur training Hayat Nur on how to create these bogus documents.

From: Abdi Majid Nur <anur@thinktechact.org>

To: hayatnur861@gmail.com

Subject: Weekly Consolidated Meal Counts

Date: Mon, 21 Jun 2021 23:24:47 -0500

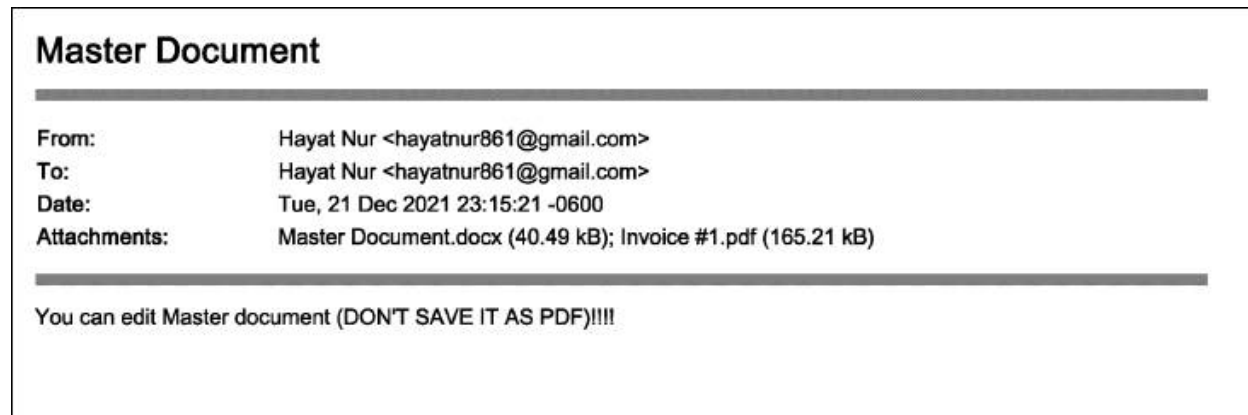
 Weekly Consolidated Meal Counts 043184 (24).pdf

Partners in Quality

1. Albright 1500
2. Clifton 1000
3. Four Seasons 500
4. Lifestyle 500
5. Greenwood Place 500
6. Autumn Holdings 500
7. Al Ihsan 1100
8. As Sunnah 2000
9. Samaha 2000
10. Winfield 600
11. Shamrock Court 1000

An easy trick I usually do while doing these: for all the sites that have the same meal count, like Four seasons, Lifestyle, and so on, after I save the document, I would just then bring up the same document again and just change the site name and make sure to save it as a NEW document because everything else will be the same because its the same month and the dates don't change. It'll save you soo much time! Let me know if you have any questions.

Gov't Ex. F-6. Hayat put her brother's instruction to practice and developed other means of crafting fraudulent documentation more quickly. For instance, in one email, Hayat Nur forwarded herself a shell invoice that could be edited—which she termed a “master document.”



Gov't Ex. D-42.

Hayat Nur used this “master document” to create fraudulent invoices purporting to document the purchase of food to serve to children.



AFRO PRODUCE LLC 2554 COMO AVE STE 3 Saint Paul, MN 55108 US afroproduceinc@gmail.com					
					
INVOICE					
BILL TO:			Ship TO:		
INVOICE	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
9132	10/01/2021	\$10,013.80	10/30/2021		
PRODUCT	CASE	UNIT PRICE	TOTAL		
Milk	750	\$2.40	\$1800		
Nesquik Milk	20	\$16.99	\$339.80		
Potatoes	26	\$22.00	\$572.00		
Onions	22	\$23.00	\$506.00		
Tomatoes	25	\$31.00	\$775.00		
Apple	25	\$32.00	\$800.00		
Orange	19	\$32.95	\$625.05		
Banana	21	\$22.95	\$481.95		
Gold Fish	374	\$11.00	\$4114.00		
Total: \$10,013.80					

AFRO PRODUCE LLC 2554 COMO AVE STE 3 Saint Paul, MN 55108 US afroproduceinc@gmail.com					
					
INVOICE					
BILL TO:			Ship TO:		
INVOICE	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
9133	10/08/2021	\$12,531.85	10/30/2021		
PRODUCT	CASE	UNIT PRICE	TOTAL		
Milk	830	\$2.99	\$2481.7		
Nesquik Milk	180	\$17.5	\$3150		
Potatoes	23	\$22.00	\$506.00		
Onions	20	\$23.00	\$460.00		
Tomatoes	18	\$31.20	\$561.6		
Apple	24	\$32.00	\$768		
Orange	22	\$32.95	\$724.9		
Banana	23	\$22.95	\$527.85		
Gold Fish	284	\$11.45	\$3251.8		
Total: \$12,531.85					

Gov't Ex. D-44. She also created and sent fraudulent rosters listing the names of hundreds or thousands of fictitious children that she and her conspirators claimed to have fed.

From: Hayat Nur <hayatnur861@gmail.com>
To: anur@thinktechact.org, Abdi Nur <19anur@gmail.com>
Subject: All Names Mines the repetitive ones
Date: Mon, 05 Jul 2021 11:56:03 -0500
Attachments: ALL_NAMES.xlsx; Doc1.pdf; Doc2.pdf

GOVERNMENT
EXHIBIT
E-53
22-CR-124 (NEB/TNL)



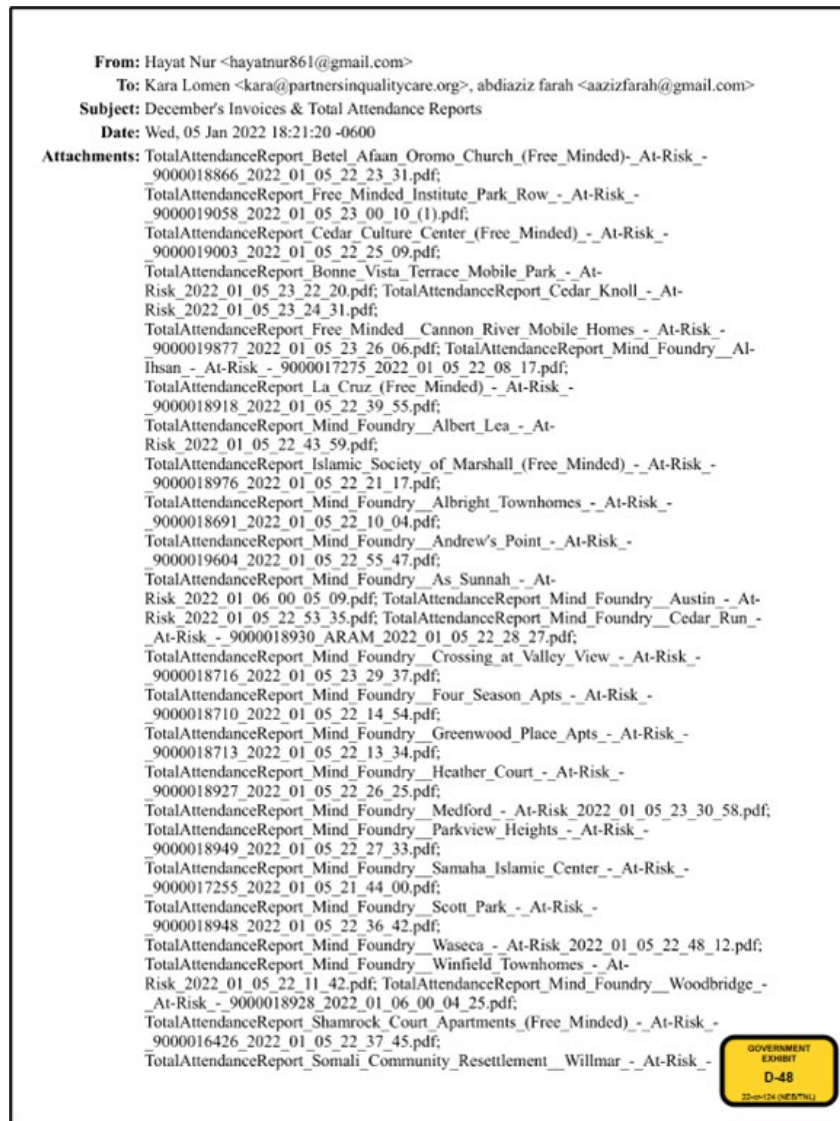

The fake meal counts and invoices created by Hayat Nur were the backbone of the scheme. They substantiated the defendants' fraudulent claims and satisfied their

sponsors' minimal requirements to process reimbursements. Hayat Nur created fake documentation claiming that she and her conspirators operated 20 food distribution sites across the state which, combined, purportedly served hundreds and sometimes thousands of meals to children every day. The false claims represented by those materials were stunning. In one single invoice from January 2022, the conspirators claimed entitlement to nearly \$2.2 million.

Invoice			
Submitted on 01/05/22			
Invoice for		Invoice #	
Partners in Quality Care		8022025	
1035 West 7th Street			
St. Paul, MN 55102			
Project		Due date	
CACFP		1/10/2022	
Description	Qty	Unit price	Total price
Four Seasons	27,056	\$4.45	\$120,399.20
Cedar Run	61,758	\$4.45	\$274,823.10
Albright Townhomes	22,232	\$4.45	\$98,932.40
Al-Ihsan Islamic Center	12,575	\$4.45	\$55,958.75
As Sunnah Islamic Center	14,489	\$4.45	\$64,476.05
Heather Court	30,171	\$4.45	\$134,260.95
Winfield Townhomes	15,143	\$4.45	\$67,386.35
Parkview Apartments	30,642	\$4.45	\$136,356.90
Samaha Islamic Center	60,494	\$4.45	\$269,198.30
Woodbridge Apartments	28,126	\$4.45	\$125,160.70
Greenwood Place	12,550	\$4.45	\$55,847.50
Scott Park	37,535	\$4.45	\$167,030.75
Albert Lea	33,394	\$4.45	\$148,603.30
Austin	32,256	\$4.45	\$143,539.20
Waseca	33,800	\$4.45	\$150,410.00
Andrews Point	8,013	\$4.25	\$34,055.25
Crossings Valley	3,027	\$4.25	\$12,864.75
MedFord	32,116	\$4.25	\$136,493.00
Notes:		Subtotal	\$2,195,796.45
		Adjustments	\$0.00

Gov't Ex. G-359.

But Hayat Nur did not merely create those documents. She was often the one who submitted them for payment. In one January 2022 email alone, Hayat Nur submitted to Partners in Nutrition invoices purporting to document the purchase of more than \$10 million in food and other supposed program expenses.



Gov't Ex. D-48.

II. THE PRESENTENCE INVESTIGATION REPORT

A. The Base Offense Level and Loss Amount

The base offense level is 7 pursuant to Guidelines § 2B1.1(a)(1). PSR ¶102. The base offense level is increased 22 levels pursuant to Guidelines § 2B1.1(1)(L) because the loss was more than \$25 million but less than \$65 million. PSR ¶103. The offense level is increased 2 levels pursuant to Guidelines § 2B1.1 because the offense involved sophisticated means, including the falsification of documents used to submit fraudulent claims in which Nur was directly involved. PSR ¶104. The offense level is increased 2 levels pursuant to Guidelines § 2B1.1(b)(12) because the offense involved conduct described in 18 U.S.C. § 1040 (Fraud in Connection with a Major Disaster or Emergency Benefits). PSR ¶105. The offense level is increased by 2 levels pursuant to Guidelines § 2S1.1(b)(2)(B) because the defendant was convicted under 18 U.S.C. § 1956. PSR ¶110.

The offense level is decreased by 2 levels pursuant to Guidelines § 3B1.2(b) because Nur was a minor participant in the offense. PSR ¶107. The offense level is decreased by 2 levels because she qualifies as a zero-point offender pursuant to Guidelines 4C1.1(a) and (b). PSR ¶110.

Based on the above, the total offense level is 29. PSR ¶118. The government agrees with this calculation.

B. Criminal History

Nur has no significant criminal history, only two minor traffic offenses. Accordingly, she falls into criminal history category I. PSR ¶118.

C. Advisory Guidelines Range

An offense level of 29 and criminal history level I results in an advisory Guidelines range of 87 to 108 months in prison.

III. THE GOVERNMENT’S SENTENCING RECOMMENDATION

Based on a review of the § 3553(a) factors, the government recommends that the Court impose a sentence of 87 months in prison.

A. Nature and Circumstances of the Offense

Nur participated in one of the largest fraud schemes in the history of the District of Minnesota, and the single largest Covid-19 fraud scheme in the country. She took advantage of a once-in-a-century global pandemic to enrich herself. She abused the generosity of Minnesota’s social safety net—a system designed to ensure that no child goes without food.

Notably, Nur and her conspirators were among the first to get involved in the massive scheme to fraudulently obtain federal child nutrition program funds. Empire Cuisine, one of the entities on whose behalf Nur submitted claims and fabricated invoices, was one of the companies that forced MDE to change the rules to prohibit for-profit restaurants for operating federal child nutrition program sites. But the pressure from MDE did not deter Nur or her conspirators. They simply carried on by opening sites through a variety of non-profits.

Nur asks the Court to consider her, for purposes of the guidelines calculation, a minimal participant in the crime. The government submits that would fail to accurately describe her involvement. As discussed above, this fraud would not have occurred and could not have worked but for the conspiracy’s fake documentation.

Those documents were the necessary ingredient to the conspirators' extraction of some \$40 million from the Federal Child Nutrition Program. And it was Nur's role to create, and often submit, those documents. Nur's representation in her sentencing pleading that she only became involved at the eleventh hour is not accurate. By June 2021, Nur was already generating bogus documents. (See above, Gov't Ex. F-6.) From just that point on, Nur and her conspirators fraudulently claimed entitlement to more than \$22 million in program reimbursements. At times in that period, a single month's worth of the conspiracy's claims exceeded \$3 and even \$4 million.

It is true that Nur did not recruit or direct others in the scheme, nor exercise supervision over her conspirators. That distinguishes her from many of her co-defendants, and in recognition of that relatively smaller role the government agrees that Nur qualifies as a minor participant. But the importance and duration of Nur's involvement should preclude treating her as a minimal participant. Although her role in the fraud scheme may have been smaller than that of some of her conspirators, Hayat Nur nevertheless played a key role in the scheme. Frauds of this magnitude cannot be carried out alone. Having different individuals involved in different aspects of the fraudulent scheme allowed all of the defendants—including Hayat Nur—to claim they had no knowledge of the fraud. Indeed, at trial, Abdiaziz Farah, Mohamed Ismail, and Mukhtar Shariff claimed they did not fill out the fraudulent meal counts or create the fraudulent invoices and therefore had no knowledge of the fraud scheme. Meanwhile, Hayat Nur and her brother Abdimajid claimed that they did nothing more than create and fill out documents at the directions of others, without knowing

those documents' fraudulent nature. This was by design. In reality, all of the defendants knew of and participated in the fraud but they structured their conspiracy to conceal their knowledge and involvement in it. And Hayat Nur's role in creating the fake documents was a key part of that concealment.

B. History and Characteristics of the Defendant

Nothing in Nur's background explains or excuses her crime. While her early childhood was traumatic, Nur escaped her troubled life abroad and came to live in the U.S. with her family in 2010. Since then, she managed to create an ostensibly successful and stable life for herself. She graduated from high school, then college, then enrolled in a master's program. She found gainful employment and a husband and by all accounts had succeeded in creating for herself the stability that her early years lacked. It was in 2021, at the very time she was finishing her graduate work and that she married her husband, that Nur joined this conspiracy. In short, Nur seems not to have been pushed to criminality by her background, but rather drawn to criminality in spite of it.

C. The Need for Deterrence

Nur participated in one of the largest fraud schemes in the history of the District of Minnesota, and the single largest Covid-19 fraud scheme in the country. But Nur did not just take advantage of the Covid-19 pandemic to enrich herself and her conspirators. She took advantage of Minnesota's compassion and its efforts to ensure no child went hungry.

Make no mistake, Nur's fraud has done great damage to the state. It has eroded trust in the government and raised questions about the sustainability of the state's

system of social services. Although Nur played a relatively smaller role in the massive fraud scheme than some of her conspirators, her actions, and the actions of many similarly situated less culpable defendants, undermined and endangered legitimate nonprofit organizations that rely on donations to carry out necessary and important charitable work.

Importantly in this particular case, the Court must send the message that fraud schemes like this are not worth it and that individuals who participate in fraud schemes such as this one will pay a stiff price when they are caught.

Taking into consideration the Sentencing Guidelines, as well as all of the other factors required to be considered under § 3553(a), the government respectfully submits that a sentence of 87 months in prison appropriately reflects the seriousness of Nur's crimes, promotes respect for the law, provides a just punishment, and creates adequate deterrence not only to Nur, but to all other individuals who take advantage of the state and believe that they are above the law.

IV. CONCLUSION

For the reasons stated above, the government respectfully requests that the Court impose a sentence of 87 months in prison.

Respectfully Submitted,

Dated: August 13, 2025

JOSEPH H. THOMPSON
Acting United States Attorney

/s/ Harry M. Jacobs
BY: HARRY M. JACOBS
MATTHEW S. EBERT
DANIEL W. BOBIER
Assistant U.S. Attorneys