

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,	)	
	)	File No. 22-cr-124
Plaintiff,	)	(NEB/TNL)
	)	
v.	)	
	)	A.M. SESSION
Abdiaziz Shafii Farah(1),	)	Courtroom 13W
Mohamed Jama Ismail(2),	)	Minneapolis, Minnesota
Abdimajid Mohamed Nur(4),	)	Friday, May 31, 2024
Said Shafii Farah(5),	)	8:29 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 XXVII OF XXX

Court Reporter: LYNNE M. KRENZ, RMR, CRR, CRC
United States Courthouse, Suite 146
316 North Robert Street
St. Paul, Minnesota 55101

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Proceedings recorded by mechanical stenography;
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IN OPEN COURT**(JURY PRESENT/JURY NOT PRESENT)**

THE COURT: Members of the public, I'll just remind you that if you don't have permission from the Court to have your electronic devices on. That they should be turned all the way off.

Members of the jury, you have now heard all of the evidence in the case and, therefore, it's time for closing arguments in the case. The government will proceed first.

Mr. Thompson, you may proceed.

MR. THOMPSON: Thank you, Your Honor.

CLOSING ARGUMENT

MR. THOMPSON: In the spring of 2020 the world changed. It's hard to remember now. It's been four years. But in many ways it feels like a lifetime ago. I'm going to ask you all to take a moment with me. A moment to remember.

Remember how in early 2020, in January, February, and March we started hearing whispers about a new disease. They called it a Coronavirus. Then COVID-19. It started far away. First in China, then Seattle, and New York. A case then popped up in Minnesota. Then ten. Then a hundred. Soon it was everywhere. Suddenly almost within an instant the world changed. In many ways, the world stopped. Stores closed. People stopped going to work. Kids stayed home from school. Busy streets became ghost towns. An eery

1 silence settled over the world.

2 It was our kids who in many ways had it the
3 hardest. Five-year-olds needed to learn. Eight-year-olds
4 wanted to play baseball. Middle schoolers just wanted to be
5 with their friends. And high schoolers missed out on
6 once-in-a-lifetime experiences. Sports games. Band
7 concerts. School plays. Prom. Graduation ceremony. It
8 all stopped. Suddenly. Unfairly.

9 Those of you who have kids might remember. First
10 you would stay at home for a few days. Then a week. Then
11 months. The isolation set in. Kids need friends. They
12 need to learn and to grow. And at the most basic level,
13 they need to eat. For many kids school provides so many or
14 even all of those needs. Times were uncertain. People were
15 scared. We were vulnerable.

16 Now as with any vulnerable time, there were people
17 who took advantage. Who exploited it. People who sold fake
18 N95 masks. People who peddled bogus COVID cures. People
19 who applied for fraudulent PPP loans. People who saw an
20 opportunity in the crisis. An opportunity to take advantage
21 of the vulnerability of others.

22 That, Ladies and Gentlemen of the Jury, is what
23 this case is about.

24 This case is about a group of defendants who took
25 advantage of a time of extraordinary, even unprecedented,

1 vulnerability to steal money, taxpayer money, meant to feed
2 children.

3 Rather than step up to help others in their time
4 of need, the defendants helped themselves. While everyone
5 else was trying to flatten the curve, the defendants were
6 trying to fatten their wallets.

7 Ladies and gentlemen, this was a scheme of
8 extraordinary proportions. Both in terms of tens of
9 millions of dollars stolen and also in terms of the sheer
10 brazenness of the fraud scheme.

11 Now you've heard a lot over the past month about
12 the defendants' scheme. The fake meal counts. The
13 ridiculous fake rosters. You've seen the massive checks and
14 the invoices for millions of dollars. You've seen the
15 houses and the cars that they bought. You've seen their
16 text messages about splitting up the pot, the proceeds of
17 their crime. You've seen the millions of dollars that they
18 sent abroad. And we're going to talk about all that this
19 morning.

20 But before we do, I want to put this crime in its
21 proper context because this case has taken us far, far
22 afield from what the Federal Child Nutrition Program was
23 meant to be. And I want to start by reminding us all what
24 the Federal Child Nutrition Program is all about. It's a
25 program designed to make sure kids are fed healthy and

1 nutritious meals.

2 The two programs at issue in this case, the Child
3 and Adult Care Food Program and the Summer Food Service
4 Program are designed to make sure kids receive meals during
5 the times when they're not in school. After the school day
6 ends when they're in after school programs. During the
7 summer months when school's not in session.

8 Now as you've heard during this trial, these
9 programs were designed to supplement and enrich educational
10 programs, such as after school programs and summer school.
11 They were designed to provide meals to children. Meals.
12 Not groceries. Not bags of onions and potatoes. Meals that
13 were ready to eat.

14 As you heard, this is important because these --
15 these programs were designed to provide meals for children.
16 It was a program for children. And children often don't
17 know how to cook or have access to kitchens.

18 As you heard, these meals were supposed to be
19 served as part of an educational program. That was the
20 purpose of the program. It wasn't a get-rich-quick scheme
21 for restaurants or vendors. It was a program for children.

22 I don't want that to get lost here because there
23 hasn't been a lot of talk about children during this trial.
24 Days have gone by without any discussion or even mention of
25 kids, children. Despite the 18 million meals that the

1 defendants claimed to serve to children, we heard very
2 little about the kids. That's what the program is about,
3 kids.

4 For that reason, the Federal Child Nutrition
5 Program relies on educators. People like Emily Honer, the
6 MDE employee, Minnesota Department of Education.

7 As you may recall, Ms. Honer testified at the
8 beginning of the trial. She talked about how MDE
9 implemented waivers in the early days of COVID. Waivers
10 designed to make sure that the programs had the flexibility
11 to ensure kids were fed even when they weren't going to
12 school in person.

13 She told you about the efforts she and her
14 colleagues took to make sure that the program was flexible
15 and that children were fed. And she told you about the
16 efforts that she and her colleagues took to reign in those,
17 like the defendants, who sought to take advantage of that
18 flexibility and those waivers to commit fraud.

19 You also heard from people like Bill Menozzi from
20 the Shakopee Public School District. He told you about how
21 he and his colleagues continued to feed kids during COVID.
22 How they went out to apartment complexes and offered school
23 -- offered meals to apartments and at schools. Meals for
24 kids. Making sure that the kids that in his district, the
25 Shakopee district, got the meals that they needed.

1 And he told you how what an honor it was for him
2 to do so. How it helped him to better connect with and
3 understand children in his district. That's what the
4 program was about. Not money, cars, becoming millionaires.

5 Sadly, this case doesn't involve educators or
6 public servants like Emily Honer or Bill Menozzi. It
7 doesn't involve people who stepped up to help children in
8 need or people who wanted to serve during a time of crisis.
9 It involved people who took advantage of a crisis, an
10 unprecedented crisis, to enrich themselves at the expense of
11 others.

12 So let's talk about how they did that.

13 This is Empire Cuisine & Market. A small
14 storefront and market located in a strip mall in Shakopee.

15 As you heard during the trial, Abdiaziz Farah and
16 Mohamed Ismail created Empire Cuisine & Market. They
17 registered the company on April 1st, 2020. The very
18 beginning of the COVID pandemic.

19 A couple weeks later they applied to participate
20 in the Federal Child Nutrition Program. At the time their
21 company didn't even have a bank account.

22 They opened a number of sites in Shakopee like The
23 Landing. They claim to be serving hundreds of kids a day at
24 these sites.

25 The Landing, as you recall, it used to be called

1 Murphy's Landing. It's down in Shakopee. It's the Hennepin
2 Parks -- the Three Rivers Parks District. And you heard how
3 the defendants submitted claims that they were serving meals
4 to 300 kids a day. In all, nearly 100,000 meals for which
5 they claim to be entitled to more than \$300,000 in Federal
6 Child Nutrition Program money, taxpayer money, meant to feed
7 kids.

8 You also heard from employees of The Landing who
9 worked with the Three River Parks District, like Bill
10 Walker, who said, I didn't see any meals being served at The
11 Landing. I don't believe that would be possible. The Park
12 District knew nothing about this. They saw nothing. No one
13 asked. Didn't happen.

14 You heard about a site purportedly run at
15 Huntington Park Apartments in Shakopee where the defendants
16 claimed in a single month to have served 30,000 meals, for
17 which they claimed to be entitled to more than \$70,000 in
18 Federal Child Nutrition Program funds.

19 But you heard from Gretchen Hawk, who lived and
20 worked at Huntington Park. She explained to you how she
21 didn't have a lot of money. She would have loved to have
22 taken advantage of meal services at the Huntington Park
23 Apartments. And, in fact, she did, the one time food was
24 distributed there. But it wasn't by the defendants, it was
25 by -- from Pastor John, a pastor at the local church who had

1 come by regularly to pray with the residents as part of his
2 mission. Gretchen Hawk took food from Pastor John that day
3 and generally her kid would get food from the local public
4 school district, at the school nearby a couple blocks away.

5 Like I said, the defendants opened six or seven
6 sites around Shakopee. And you heard from Bill Menozzi from
7 the school district, and he explained how the school
8 district continued to deliver meals and serve meals during
9 the COVID pandemic, including at many of the same sites
10 where the defendants claimed to be serving meals. But they
11 weren't serving meals there, the Shakopee Public School
12 District was. They were just claiming money for it.

13 Now, ladies and gentlemen, as you heard from Emily
14 Honer and others, at some point MDE became concerned. They
15 saw Empire and other for-profit restaurants opening more and
16 more sites claiming to be serving meals to increasing number
17 of children. First hundreds a day and then thousands of
18 children a day. They claim to be entitled to more and more
19 reimbursements under the program.

20 As Ms. Honer explained, she and her colleagues saw
21 a number of new entities created. Register with the
22 Secretary of State, immediately enrolled in the program, and
23 quickly claiming to be serving meals to 2,000 or more kids
24 everyday. So MDE tried to crack down.

25 And as you heard in October of 2020, MDE made a

1 new rule, along with the USDA, and they said for-profit
2 restaurants couldn't participate in the program in that way.
3 They couldn't open sites. Only nonprofits could do so. And
4 that's because, again, this program wasn't designed to make
5 people wealthy. It was designed to feed kids. It was a
6 reimbursement program. A program designed to make sure the
7 kids would get fed and the federal government subsidized it.

8 So did Abdiaziz Farah and Mohamed Ismail stop in
9 October of 2020 when that rule changed? Did they shut down
10 their sites all over Shakopee? Did they go back to running
11 their market? They did not. Instead, as you heard and as
12 you saw, they started doing business with a nonprofit
13 company called ThinkTechAct that also did business under the
14 name Mind Foundry. A company created and controlled by a
15 guy Mahad Ibrahim.

16 And as you heard, ThinkTechAct had been inactive.
17 It was a nonprofit, educational company but it had been
18 dormant. It hadn't had any deposits in a account for a
19 couple years.

20 But in late 2020, ThinkTechAct, Mahad Ibrahim,
21 started working with Abdiaziz Farah and Mohamed Ismail to
22 open sites, these Empire sites, in the name of ThinkTechAct.
23 And they opened site, after site, after site. Ultimately 50
24 sites. All over the State of Minnesota. Not just in
25 Shakopee, Bloomington, Burnsville, Minneapolis, Circle

1 Pines, Lexington, St. Cloud, Willmar, Owatonna, Faribault.
2 Sites all over the State of Minnesota. Where ultimately
3 they claimed to have served more than 18 million meals in
4 the course of about a year, for which they claim to be
5 entitled more than \$49 million in Federal Child Nutrition
6 Program funds. ThinkTechAct alone received more than
7 \$20 million.

8 You heard about some of these sites, these new
9 sites, that were opened under the name of ThinkTechAct and
10 Mind Foundry. Like Tot Park, a site in Circle Pines,
11 Lexington. You heard how that site was actually under
12 construction at the time, but the defendants claimed to be
13 serving meals to 2,506 kids a day, every day. Month, after
14 month, after month. Exactly 2,506 children. In all, in
15 little Lexington, Minnesota, a small suburban city in the
16 northern outreaches of the Twin Cities, they claim to have
17 served more than half a million meals for which they claim
18 to be entitled and received more than \$1.2 million in
19 Federal Child Nutrition Program funds.

20 And of course you heard from someone, the city
21 administrator from the small town, what did he say? He saw
22 no such thing. No one asked to do it. No one saw it. That
23 is an absolutely absurd number. This absolutely did not
24 happen.

25 You heard about the site at Dar al-Farooq in

1 Bloomington where almost immediately after starting on
2 January 1st, 2021, within in a month they claim to be
3 serving 3,500 kids a day. It's actually 3,500 kids
4 two-meals-a-day, for which in all, more than 1.9 million
5 meals over the course of the year, for which they claim to
6 be entitled to more than -- nearly \$5 million in Federal
7 Child Nutrition Program funds.

8 And you heard from a Bloomington Public School
9 District employee, Dinna Wade-Ardley. You heard stories
10 that this was actually two sites, Dar al-Farooq and Oak
11 Grove Middle School. And, of course, you heard that that's
12 not okay. You can't just claim food everywhere. Set that
13 aside.

14 What did Dinna Wade-Ardley tell you? That Mukhtar
15 Shariff asked her to send an e-mail or that a friend asked
16 her to send an e-mail purporting to document that these
17 claims were real, these absurd claims. What did she say?
18 She did it but she felt uncomfortable, she sent an e-mail
19 questioning it. And she told you, I feel taken advantage
20 of. I feel the kids were taken advantage of. 3,500 kids a
21 day, now as Dinna Wade-Ardley told you, there's less --
22 there's, like, 9,000 kids in the entire Bloomington Public
23 School District.

24 Think about that. Day one they claim 2,000, over
25 20 percent, the entire population of the school district.

1 And within a month, more than a third of it.

2 As I said, the defendants claimed to have served
3 more than 18 million meals for which they claim to be
4 entitled to more than \$49 million and for which they
5 received more than \$40 million.

6 And you saw Abdiaziz Farah and Mahad Ibrahim talk
7 about that money. In February of 2021 the money started
8 rolling in, cascading into the ThinkTechAct account. You
9 heard from the forensic accountants. A bank account that
10 had had no activity for two years suddenly was getting
11 hundreds of thousands of dollars and then millions of
12 dollars a month from MDE. More than \$20 million in ten
13 months from February to December of 2021.

14 And you saw the texts that Abdiaziz Farah and
15 Mahad Ibrahim sent, the WhatsApp messages. Messages that
16 they sent when they thought no one was looking. They
17 predicted it right. "In seven months, if things stay the
18 same, you are a multi-millionaire with zero debt." They
19 knew what they were doing. They saw the vulnerability of
20 the program. They realized that they could take advantage
21 of it and that is exactly what they did. "Bro, the next
22 multi-legit millionaires will be me and you." That's what
23 they said.

24 And you heard what Mahad Ibrahim called it. He
25 said, "The food program is the golden ticket." That's what

1 he called it. A golden ticket. It's not what the program
2 was about. It's not what it was supposed to be, but that's
3 what they did.

4 Like I said, in that ten-month period more than
5 \$21 million in Federal Child Nutrition Program money. And
6 you look -- you saw these sources and uses and I know you
7 saw a lot of bank records in this case. You heard from a
8 lot of accountants. I apologize for that. That's the
9 nature of the beast.

10 This isn't simple to understand. No one's bank
11 account looks like that. No legitimate business looks like
12 that. In educational nonprofits, bank account does not look
13 like that. Money essentially came all from two sources,
14 Partners in Nutrition and Feeding Our Future. All Federal
15 Child Nutrition Program funds. It's staggering.

16 The numbers, you can get desensitized to them. We
17 saw check after check for \$75,000, \$100,000, \$150,000,
18 \$250,000. It just doesn't happen. This is supposed to be
19 an educational nonprofit. \$21 million, almost \$22 million
20 in ten months out of nowhere. Out of the blue.

21 So let's talk about how the conspiracy works. And
22 I know you saw a lot about it during the trial.

23 First, you saw the fraudulent meal counts again,
24 and again, and again. We spent, I don't know, hours paging
25 through them. One after another, after another. Claiming

1 1,000 kids a day, 1,500 a day. The same number day, after
2 day, after day. It's actually crazy and it's -- and, again,
3 you can get desensitized to it. Just think about it. Kids
4 get sick.

5 Anyone who's ever had a kid in school knows that
6 kids miss school, they have a cold, they get the flu or, you
7 know, your kid doesn't want to eat school lunch that day.
8 That happens all too often for most parents. Your kid wants
9 you to pack you a bag lunch because they don't want to eat
10 what's there. That's true of all kids.

11 And this was during COVID of course. Every other
12 business on earth had employees calling in sick. You'd go
13 to a restaurant or a store and they'd say, Sorry, we're
14 closed. COVID. People called in sick or they couldn't hire
15 anyone because people didn't want to come to work because
16 they were scared. They were vulnerable. They had to take
17 care of parents, grandparents, elderlies, people. They had
18 to take care of their kids in online school.

19 Not here though. You saw again and again,
20 identical meal counts, 1,500 a day, 2,000 a day, 1,200 a
21 day, 3,500 a day. Day after day. And you saw defendant,
22 after defendant, after defendant. And we're going to talk
23 about each one of them because there's a lot of defendants
24 in this case. It's easy to lose track of them.

25 But look at Abdiaziz Farah. The owner of Empire

Cuisine & Market. He submitted fraudulent meal counts. You saw them.

Mohamed Ismail, his coowner. His name's on fraudulent meal counts, 1,479 a day. Samaha. 992 a day, Clifton Townhomes.

Abdiwahab Aftin, one of the owners of Bushra Wholesalers who had relatives abroad to whom they were doing -- with whom they invested in Kenyan real estate. He signed meal counts.

Mukhtar Shariff. His name's on meal counts. He e-mailed meal counts in, 3,500 a day for his Dar al-Farooq site. And there were other sites too.

And Abdimajid Nur. His name was on most of them. Hundreds and hundreds -- thousands of pages of meal counts signed by Abdimajid Nur. And in fact, so many meal counts that he seems to have gotten bored of it, or sick of it, or just overwhelmed by the sheer number of them. And so he listed his sister, Hayat Nur. And you saw the e-mail here, Government Exhibit F-6. He sent her a link to his Goggle drive where he saved all his fraudulent forms and meal counts, invoices. And he told her, "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 saved the document, I would just bring up the same document again and just change the site name and make sure to save it

1 as a new document because everything else will be the same.
2 Because it's the same month and the dates don't change. It
3 will save you so much time! Let me know if you have any
4 questions."

5 You notice you didn't see a whole lot in this
6 trial. We went through the e-mails, text messages. Saving
7 time. You'd think the time would be serving the meals,
8 logistics, getting employees. No. The burdensome part was
9 filling out these fake meal counts. So much so that they
10 just cut and paste.

11 You also saw the fake rosters. Now I want to --
12 before I talk about the fake rosters, I want to remind you
13 why those fake rosters existed. Why they were created. Why
14 the defendants went to such trouble to make these lists of
15 thousands and thousands of names. Because remember, the
16 trial's been long, but you heard in October of 2020 MDE
17 tried to get for-profit restaurants out of the program and
18 it didn't work. Feeding Our Future sued them. Other --
19 they started -- other companies like Empire just started
20 doing using nonprofits, essentially laundering the money to
21 these nonprofits, just poured through to their for-profit
22 entities.

23 So in March and April of 2021, MDE tried again.
24 They instituted a "stop pay." Now remember the stop pay,
25 you might have forgotten about it. The stop pay changed the

1 rules of how the reimbursement program worked.

2 In the past it was essentially an honor system.
3 It worked like your tax refunds. You submit your tax
4 refund, your tax return, you claim a refund, the IRS pays it
5 out. They don't vet it first. They just pay you your
6 refund. And then later on they audited and make sure it
7 looks good. At least some portion of them. That's how the
8 Federal Child Nutrition Program always had worked. It makes
9 sense.

10 You don't expect a public school district or a
11 small daycare to lie. The numbers were small, you know,
12 you're serving 30 kids or 45 kids at a daycare and the
13 school districts are professional operations. But that
14 wasn't working because people like the defendants were
15 taking advantage of it. So they changed it and they said,
16 we're going to do a stop pay. We're not going to pay out
17 your claims until and unless you submit supporting
18 documentation. No longer is just an invoice enough or
19 claims submitted to the CLiCS system enough, we want to see
20 documentation, the meal counts. In the past you just send
21 them to the sponsor and the sponsor held them.

22 Now MDE wanted to see the meal counts. They
23 wanted to see the invoices documenting the purchase of food.
24 And they wanted to see the rosters, which were always
25 supposed to exist but MDE in the past only looked after the

1 fact. Now they wanted them upfront.

2 And so you saw what the defendants did. What they
3 had to do. They created fake rosters. Hundreds of them.
4 And you saw what the investigators did. They took those
5 fake rosters, and they looked absurd, lists of 3,500 names,
6 and you could look at them and they look silly, and we'll
7 talk about that in a moment, but they didn't -- that wasn't
8 enough.

9 Investigators got a list of the -- in these --
10 each of these sites of all kids that attend school in the
11 public school district and they compared the list on the
12 defendants' rosters to the names of every kid on the
13 district. Even big districts. Even Minneapolis with 35,000
14 kids. They took those 35,000 and they compared them to
15 everyone on the rosters for Minneapolis and Bloomington, and
16 all these other sites too, Circle Pines, Tot Park. And what
17 did they find? Almost no match. The names were fake. None
18 of the kids attended the public school districts. Some had
19 some names that were real, but some had essentially none and
20 those that were seemed to be a coincidence.

21 And you saw some of the names. They were absurd.
22 "Getsaname Hester. Friday Donations. Britishy Melony.
23 Serious problem. Rgian Pumqr" with a "q." Unless you think
24 that's just a one -- a one-off, it wasn't, because those
25 same ridiculous names, as you heard, appeared on roster,

1 after roster, after roster. Not just for the one roster,
2 but the same names appear on the different rosters for
3 different sites at different times or even the same time.

4 You'd have a kid -- you'd have a kid on a roster
5 purportedly receiving meals at the Bloomington site and also
6 that same day purportedly on a roster -- purporting to
7 document the kid receiving the same meals at a site in
8 Minneapolis and Apple Valley. And, in fact, those
9 Bloomington roster, the Dar al-Farooq roster that you heard
10 about, 3,500 names on it, 75 percent of the names also
11 appeared in the roster for the Cedar Cultural Center in
12 Minneapolis. The same names, different roster, same month,
13 different site.

14 And the Apple Valley site too. 75 percent
15 overlap. The names were fake and they were recycled or they
16 were real and they were recycled. Because as you heard and
17 you saw in these text messages, the defendants were kind of
18 freaking out about the lack of names. It's hard to come up
19 with a list of 3,500 names and make it look real. As we
20 saw, sometimes you get lazy and you put things like "Friday
21 Donations" or "Serious problem." So what they got, a list
22 of 90,000 names, "Full DOB and everything. LOL." They
23 didn't want to miss out.

24 And, again, to take it back to the defendants in
25 this case, because that's what we're here about, you saw

1 defendant, after defendant, after defendant circulate these
2 names. Mukhtar Shariff sending them to Mahad Ibrahim for
3 Bloomington.

4 Hayat Nur sending it to her brother, Abdimajid.

5 Abdimajid sending list after list, including lists
6 here in the bottom right here to Kara Lomen, the Executive
7 Director of PIN, the person who sponsored their claims,
8 their fraudulent claims. Giving her false documentation,
9 fraudulent documentation, in support of fraudulent claims
10 for real taxpayer dollars.

11 And, of course, Abdiaziz Farah did as well.

12 You also heard at this trial from Hadith Ahmed.
13 You may have forgotten, he testified weeks ago. Second of
14 week, I mean, I guess he told us, what did he say? He
15 worked at Feeding Our Future. He described how it was
16 crazy. He was Aimee Bock's right-hand man. And he said,
17 "It was wild what was going on. Everyone knew it was
18 fraudulent. Everyone was getting kickbacks." And he told
19 you, "We knew the names were fake because they all matched
20 and every week it was the same names. We didn't say
21 anything. We let it go."

22 And you heard why he let it go, and we're going
23 talk more about it in a bit, because they were getting
24 kickbacks. The defendants were paying them kickbacks to
25 look the other way. Not to look at their sites. To approve

1 their claims.

2 You also heard about the fake invoices. You saw
3 them. You saw how the defendants created them. Abdimajid
4 Nur, there were texts about them.

5 Here's an invoice for Bushra Wholesalers, a
6 company with which he purportedly has no relationship. It's
7 Said Farah and Abdiwahab Aftin's company. And here he's
8 texting an image of a roster that he's creating on his
9 computer for Bushra Wholesalers. And you can look at it on
10 here, you can see it, it's hard to see, \$250,000 for
11 Minneapolis, \$250,000 for Faribault. Half a million dollars
12 in taxpayer funds.

13 What does he ask to Abdiaziz, who also purportedly
14 has no relationship with Bushra? "Look all right?"
15 Abdiaziz Farah says, "2,000 meals for each site. May has 31
16 days." And here you go, he creates the invoice just like
17 that.

18 You saw and you heard about the contents of
19 Abdimajid Nur's Google drive. This is the drive if you have
20 a Google or a gmail account you can save to, and you saw the
21 contents of it. Some of the contents of it. And you saw he
22 had a template for an invoice. The types of invoices that
23 you later saw submitted to Feeding Our Future, for Empire
24 Cuisines & Market, Mind Foundry Learning Center, Afrique
25 Hospitality Group, the Free Minded Institute, Nur

1 Consulting, LLC, and Bushra Wholesalers. Each of those
2 invoices, along with dozens more, were found in his Google
3 drive along with that fate -- with that template. He was
4 creating invoices for all of the defendants' company [sic]
5 because that was his role in this scheme.

6 And they needed those invoices. And you saw them,
7 Abdimajid Nur would send along e-mails. You saw many of
8 them. He'd send links to his Google drive, like this one
9 here, Government Exhibit E-32 that he sends to Said Farah
10 and Abdiaziz Farah. Links to invoices, meal counts, rosters
11 for this Somalia Community Resettlement site.

12 You saw his sister, who we talked about earlier,
13 Hayat Nur. She created fraudulent invoices too.

14 You saw in January, the end of the year, they had
15 all these payments going back and forth from Empire Cuisine
16 to these other entities, Bushra Wholesalers, Said Farah, and
17 Abdiwahab Aftin's company. Empire Enterprises, a company
18 we'll talk about later that Abdiaziz Farah created in April
19 of 2021 to launder and receive proceeds, and others.

20 January 12th, Abdiaziz sends to Hayat and her
21 brother, Abdi, a list of -- a register of invoices. A list
22 of payments for whom -- for which they needed documentation
23 after the fact going all the way back to February of 2021,
24 ten months earlier.

25 Five hours later, she sends an -- she responds to

1 the e-mail, "Completed invoices." Forty-seven completed
2 invoices totaling more than \$10 million, in one e-mail.
3 That, ladies and gentlemen, is not normal. That is not how
4 business works. This is a fraud scheme.

5 Now let's talk about the food. The defendants
6 have talked a lot about the food that they said they bought
7 and they served and certainly they served some food. That's
8 not a surprise. If you're going to commit a -- if you're
9 going to defraud the Federal Child Nutrition Program fund
10 you've got to do something. Along with your fake invoices
11 and your fake meal counts, your fraudulent rosters, you got
12 to have something to make it look good. They went to all
13 that other work and so they bought some food and they -- you
14 saw it. Bags of onions and potatoes.

15 You saw some bags that were handed out. What do
16 you see? Dozens of bags? I think there was one picture of
17 maybe several hundred. But remember, these sites purported
18 to be serving meals to 2,000 kids, or 1500 kids, or 3,500
19 kids. You saw nothing anything near that. It's almost
20 embarrassing. The photos of people, a dozen bags, that's
21 like 25 bags, maybe 30, 40? Not 3,500. Not 2,000. Not
22 1500. Nowhere close. Set aside the fact that they weren't
23 meals, they were bags of produce. I don't know what kids
24 are going to do with ten onions.

25 And you saw the meal invoices that the defense

1 talked about and we talked about. And you saw how the same
2 invoices were submitted again and again for multiple sites.

3 Afrique Hospitality was talking about all the food
4 they bought, suggesting that it all went to that Dar
5 al-Farooq site, but of course it didn't. It went -- there
6 was all these other sites that these invoices were submitted
7 to.

8 Here's one sent to Feeding Our Future, Mahad
9 Ibrahim. Mukhtar Shariff, sent an e-mail, it's sent to
10 "Claims" at Feeding Our Future. Claims for the Dar
11 al-Farooq site and the SouthCross in Burnsville. Thousands
12 and thousands of kids a day purportedly served. And they
13 have some invoices there.

14 But then you saw literally the next day or the day
15 earlier, Abdiaziz Farah submitted those same invoices, not
16 just one of the same invoices, they're all identical, to
17 Partners in Nutrition in support of meals purportedly served
18 by Empire at other sites. Dozens of them. Sites
19 purportedly run by Empire. Sites in different cities under
20 the sponsorship of a different sponsor, Partners in
21 Nutrition. The same invoices submitted at the same time to
22 different sponsors, purporting to document the service of
23 different food to different kids at different sites under
24 this -- in different cities under the sponsorship of
25 different agencies. Invoice after invoice, after invoice.

1 And why did they do that? Because obviously the
2 math didn't work. You saw the bank accounts. Money was
3 being spent on everything else but food. You'd see, you
4 know, payment for \$6,000 worth of food and then a check for
5 \$75,000 for consulting or a wire for \$200,000 to China or
6 Kenya or \$1 million to build a custom home or buy land on
7 Prior Lake.

8 And you also saw Hayat Nur. You saw that they
9 created not just fake invoices for their entities, they
10 created fake invoices for food.

11 Here on December 21st of 2021, Hayat Nur e-mailed
12 to herself an e-mail called "Master Document",
13 MasterDocument.doc, a Word document. And attached to it was
14 a Word version of an Afro Produce invoice.

15 Now, Afro Produce is one of the companies from
16 which they bought food. It's a food vendor. And what does
17 she say? "You can edit the master document. Don't save it
18 as a PDF." She's creating. She doesn't work for Afro
19 Produce. She's purportedly doing work for entities that
20 bought food for Afro Produce. When you go to Target you
21 don't make your own receipt. It's fraudulent. "Don't save
22 it as a PDF because then you can't edit it."

23 And what do we see? That was December. Another
24 e-mail a couple weeks later she sends to her brother
25 Abdimajid. A copy of five Afro Produce invoices purporting

1 to document the purchase of food. Not normal. Not what you
2 do. You don't have to do that if you had actually bought
3 food. You bought enough food to support the claims.

4 Again, remember, this is about defrauding the
5 program. The question is here, did the defendants
6 fraudulently claim to be entitled to reimbursements for
7 meals that they did not provide? It's not a question of
8 whether they fed any kid or any person, not that you saw a
9 single kid in the picture. Did they -- were their claims
10 fraudulent? And absolutely they were. And you know that
11 because you saw fraudulent meal counts, fraudulent invoices,
12 fraudulent rosters. And you saw them -- their work in
13 progress as they created these.

14 And why'd they do it? Well, you heard why they
15 did it. It was lucrative. More than \$40 million. They got
16 almost \$50 million in claims. They received over
17 \$40 million for doing this.

18 And you saw when they texted about the program,
19 what did they text about? How to split it up. They called
20 it "The pot."

21 In fact, you heard Hadith Ahmed, he probably
22 described it best, "I think the best way to put it is,
23 Feeding Our Future was like a bank. You come and you get
24 the money." You come and you get the money from the bank of
25 Feeding Our Future.

1 And that is certainly what the defendants did.
2 You saw their texts. What do they talk about? How to split
3 it up. \$371,000 for Empire Cuisine & Market, the U.S. Bank
4 account. Another \$689,000 to their Old National Bank
5 account. \$47,000 to Nur Consulting, Abdimajid Nur's
6 consulting company. \$289,000 for one check to Bushra
7 Wholesalers, Said Farah and Abdiwahab Aftin's company.
8 Another \$228,000 to Bushra Wholesalers. Take them to
9 Abdiwahab Aftin, one of the owners. And he said, "Come up
10 with a plan for the balance." The plan is not, "Let's go
11 buy food", of course. It's how do we split it up? How do
12 we split up the pot?

13 And here you go again, June 3rd, 2021. "What's
14 left after taking from yesterday's deposit?" Over
15 \$1 million. \$500,000 to Empire Enterprises, \$248,000 to
16 Empire Cuisine & Market. "And what's left?" And then they
17 figure out what's left and then they split it up. Some to
18 Empire, some to Nur Consulting. "Get checks from Mahad. Go
19 pick up the checks. Give it to Abdimajid." That's what you
20 saw again, and again, and again.

21 When the defendants talked about, thought about
22 the Federal Child Nutrition Program, unlike Emily Honer and
23 Bill Menozzi, they didn't think about children. They didn't
24 think about service. They thought about money. They
25 thought about splitting up the proceeds.

1 So let's talk about that money and what they did
2 with it. You heard about and you saw evidence of extensive
3 money laundering by the defendants. Various entities that
4 they created and used to launder money.

5 And there's various types of entities. Some
6 purported to be food distribution companies. Empire
7 Enterprises created by Abdiaziz Farah and Abdimajid Nur was
8 on the bank account and used it, which you saw.

9 Afrique Hospitality Group, the company created by
10 Mukhtar Shariff and Mahad Ibrahim to start a cultural
11 center. And you saw their own PowerPoint. From day one,
12 actually day negative seven, it was seven days before they
13 created the company, they talked about funding it with
14 Federal Child Nutrition Program funds. You don't hear many
15 kindergarten teachers talking about doing stuff like that.

16 Bushra Wholesalers. The company created by Said
17 Farah and Abdi Aftin in February of 2021. During the
18 scheme. Just like Emily told you what she saw. People
19 started a company, opened a bank account, money flowed in.
20 Purporting to document food. But as you saw and as we'll
21 discuss, those checks that they received for groceries
22 weren't spent on groceries or food, they were spent on --
23 they were wired abroad. They were used to buy cars.

24 And then you saw the consulting companies that
25 many of the defendants created. This is some of them.

1 Abdimajid Nur. The same day that Empire
2 Enterprises was created by Abdiaziz Farah he created his
3 consulting company, Nur Consulting. He received over
4 \$900,000 in consulting payments for creating those fake meal
5 counts and fake invoices in the course of eight months, from
6 April 2021 to January 2022.

7 Mahad Ibrahim, who had MIB Holdings and, you know,
8 he's one of the conspirators here. He wasn't on -- he's not
9 on trial today. He has his day later. He got over
10 \$1 million in consulting payments from Empire, from
11 ThinkTechAct, from Afrique Hospitality Group, from Bushra
12 again and again.

13 Mukhtar Shariff. We talked about multiple of his
14 companies, including Wadani Consulting. They got more than
15 \$400,000. You saw the consulting checks. He got checks
16 from Afrique. He got checks from Empire Cuisine & Market.
17 He got checks from Empire Enterprises for consulting. Food
18 money.

19 You saw Government Exhibit M-13ah. More than --
20 just the Empire Cuisine & Market accounts alone, more than
21 \$1.9 million to entities related to the defendants. These
22 are just the small entities. I'm not even counting the big
23 ones, Empire Enterprises and Bushra.

24 MIB Holdings, Mahad Ibrahim, more than \$900,000.
25 Nur Consulting, more than 400. Empire Gas & Grocery. MZ

1 Market, a Mohamed Ismail company. Mukhtar Shariff has
2 several there. Again, that's just from Empire Cuisine &
3 Market. That doesn't count Empire Enterprises, or Afrique,
4 or Bushra. You saw the checks.

5 Mohamed Ismail personally got more than \$2 million
6 from Empire Cuisine & Market. Think about that.
7 \$2 million. Federal Child Nutrition Program funds. And you
8 saw he's -- the single biggest output use of those funds was
9 to send nearly \$500,000, nearly half a million dollars,
10 abroad.

11 You saw the checks here, checks to Nur Consulting.
12 Abdimajid Nur's company. \$30,000 consulting. \$15,000
13 consulting.

14 Here it says his source is more than \$400,000 from
15 Empire Cuisine & Market. More than \$220,000. Look at those
16 dates, ladies and gentlemen. It's an eight-month period.
17 April 2021 to January 2022. More than \$900,000.

18 It's like a who's who of fraud-y companies.
19 Empire Cuisine & Market, Abdiaziz Farah and Mohamed Ismail's
20 company. Bushra Wholesalers, Said Farah, Abdiwahab Aftin.
21 Empire Enterprises. He's on the account but Abdiaziz Farah
22 started the company. ThinkTechAct Foundation, Mahad
23 Ibrahim's company, for which Abdiaziz Farah joined the board
24 of directors. \$900,000 in eight months.

25 This is during COVID, ladies and gentlemen, for

1 serving -- purporting -- for claiming to serve meals to
2 children.

3 Mukhtar Shariff, \$25,000 from Empire Cuisine &
4 Market. \$80,000 to Nomadic Ventures. Three's another
5 \$80,000 from Empire Enterprises to his various entities.

6 You also saw how the defendants spent their money.
7 Did they split it up? You know, you split it up to conceal
8 it, you know, you want -- we had forensic -- a team of
9 forensic accountants. You saw us walk through the bank
10 records. It was painstaking. It went on for days. Because
11 if you just deposit it in your own account it's pretty easy
12 to follow.

13 If you put it as consulting payments, as
14 operations, as food, as groceries, it's harder. That's what
15 money laundering is. You're concealing the source, the
16 ownership and control of funds to make it harder for
17 investigators.

18 And you heard Ms. Roase testify about during her
19 investigation, she would see a company that popped up and
20 got multi-millions of dollars in Federal Child Nutrition
21 Program's funds. And she would look at the Secretary of
22 State records. She would find that it was just opened. She
23 would subpoena the bank account. She would see all the
24 money that was coming from the program and she would see it
25 all go out to these different entities. Not just to their

1 personal bank accounts, sometimes there too. Not that
2 that's okay. But she'd see -- go to these other entities
3 and then she had to subpoena these other entities. And
4 sometimes it went from entity, to entity, to entity.

5 And you saw us go down the Russian Nesting Dolls
6 of accounts during her testimony from entity, to entity, to
7 entity. Groceries. Consulting payments. And then what
8 would pop up if you'd kept going? Houses, real estate.

9 Abdiaziz Farah bought a lot. Two side-by-side
10 lots on Prior Lake down in the south suburbs for more than
11 \$1 million for the lots alone. And then he paid more than
12 \$2 and a half million dollars in Federal Child Nutrition
13 Program funds to build a custom home. From a custom home
14 that he designed it himself along with an architect and a
15 home designer.

16 Mohamed Ismail paid off his mortgage.

17 Abdimajid Nur, buying a house. Down payment.

18 Mahad Ibrahim was building a custom home for
19 nearly \$1 million in Columbus, Ohio where he lived during
20 all this. For most of it.

21 They bought cars. A Porsche. From Empire Cuisine
22 & Market they bought a Porsche for their little market.

23 Tesla. Trucks.

24 Abdiaziz Farah bought a Porsche and a Tesla.

25 Abdimajid Nur bought multiple cars, including a

1 GMC truck.

2 Hayat Nur bought a car along with her brother.
3 All with food money. This is money designed to buy food.

4 And they bought these houses, this real estate,
5 and these cars in cash. In cash. Who buys a \$3-and-a-half
6 million house in cash?

7 You also saw that they sent money abroad. It
8 wasn't just real estate in Minnesota. There was a -- there
9 was properties in Kentucky, as you heard about, BBI LLC.
10 Relatives of Mr. Aftin. An entity down in Kentucky that
11 they laundered money through. Used to buy real estate down
12 there and property. Commercial property.

13 But also property abroad and wires abroad. You
14 saw Bushra Wholesalers, that account. Money goes in it
15 right away. It's opened in February. February 11th of
16 2021. A few days later they open a bank account. Money
17 comes in from Empire, purportedly to buy food. What do they
18 do? They send it to China. Multiple.

19 Said Farah also in his personal account gets money
20 from Empire. Wires it. \$200,000. So \$80,000 from Bushra,
21 \$200,000 from China -- or to China, all Federal Child
22 Nutrition Program funds.

23 Empire Cuisine & Market also sent money to China.
24 These tire companies. To buy tires to ship to East Africa.

25 Mohamed Ismail, money to China to purchase a

1 diesel engine to be shipped abroad.

2 Indeed, if you count them all up here, we walked
3 through most of these, it's more than \$2.3 million that was
4 wired to China by the defendants and their entities, Empire
5 Cuisine & Market, Said Farah, Bushra Wholesalers, Empire
6 Enterprises, Mohamed Ismail, to these tire companies and
7 lending companies in China. Goods that were shipped to East
8 Africa. Money that was not used to feed kids. This was
9 money, taxpayer money, designed to reimburse people for
10 feeding kids. \$2.3 million.

11 You also heard about Capital View Properties.
12 This entity in Nairobi run by relatives of Mr. Aftin. You
13 saw that he was one of the owners, a partner in Capital View
14 Properties. He wired \$200,000 from Bushra Wholesalers. You
15 see what it says on the wire here? "Supplies for Bushra
16 Wholesale." It was not supplies for Bushra Wholesale. It
17 was to buy an interest in and fund this entity, Capital View
18 Properties, this partnership with relatives, to build a
19 12-story apartment building in Nairobi. The capitol of
20 Kenya. City of 5 million people.

21 You saw altogether the defendants who were all
22 involved in this, wired over \$900,000 to Capital View
23 Properties to build this apartment in Kenya.

24 And Abdiaziz Farah and Abdimajid Nur, through
25 Empire Enterprises, Bushra Wholesalers, Said Farah and

Abdiwahab Aftin, more than \$900,000 to buy property.

And you saw text message, after text message, after text message where they talked about their real estate investments in Kenya. And it wasn't just this one, there were others too in other parts of Kenya. Different neighborhoods in Nairobi and another region in Kenya altogether, sending Federal Child Nutrition Program money to invest in real estate on the other side of the world.

Again, let's just take a step back because I think sometimes during this trial I feel like Alice in Wonderland.

Remember what this program is? We talked at the beginning. We had the people at the beginning, Emily Honer, Bill Menozzi. This is about feeding kids. Think about that.

Think about someone that runs a daycare, an after-school program, a kindergarten teacher, and then think about this. And, again, you can get desensitized. You see these check, after check, after check; house, after house, after house; wire, after wire, after wire. It's easy to think that's -- to normalize it, to think this -- maybe this is reasonable. It's not. This was about feeding kids.

All right. Ladies and gentlemen, you saw a lot of evidence and you've heard a lot about how this scheme worked. I want to talk now about the charges against the defendants for their role in this scheme to fraudulently

1 obtain Federal Child Nutrition Program funds. They're
2 charged with an array of crimes.

3 Conspiracy to commit wire fraud. Wire fraud.
4 Conspiracy to commit federal programs bribery. Pay
5 kickbacks. Federal programs bribery counts. Conspiracy to
6 commit money laundering. Money laundering. And making a
7 false statement in a passport application.

8 Let's start with the conspiracy to commit wire
9 fraud. These are the elements.

10 As the Judge is going to instruct you, the
11 government has to prove each of these elements beyond a
12 reasonable doubt. Now that's the same burden that applies
13 in every courtroom across the United States. It's a burden
14 that we welcome, that we embrace, and that we have met.
15 We'll talk about that.

16 So elements here, wire fraud conspiracy, is that
17 two or more people reached an agreement to commit the crime
18 of wire fraud.

19 Because a conspiracy, as the Judge will tell you,
20 it's just an agreement. If you agree to do something,
21 you're conspiring. It sounds like a big, nefarious word.
22 It's just a legal term for agreeing to do something or
23 agreeing to commit a crime.

24 Second element is that the defendant voluntarily
25 and intentionally joined in the agreement, either at the

1 time it was first reached or at some later time. You don't
2 have to have been there at day one. And to be clear, an
3 agreement doesn't mean you sat down and, like, came up with
4 a contract or all said, let's commit a conspiracy. No, no,
5 no. You just agree to do it. You just start doing it.
6 Start participating in it. You join in. That's what it
7 means. People can have various roles, greater roles,
8 smaller roles. The whole idea of a conspiracy is you're
9 working together to accomplish something. And like any
10 organization, like any joint venture, people have different
11 roles. We're going to talk about those, but it's important
12 to keep in mind.

13 Third, that the defendant -- that at the time the
14 defendant joined in the agreement, he or she knew the
15 purpose of the agreement. They knew what they were doing.
16 That they were submitting fraudulent claims to obtain
17 Federal Child Nutrition Program funds to which they were not
18 otherwise entitled.

19 And then, finally, while the agreement was in
20 effect someone who had joined in the agreement knowingly did
21 one or more acts for the purpose of carrying it out. They
22 took a step towards carrying out this scheme. You know,
23 submitted an application to join the program. Created a
24 fake meal count, e-mailed a fake meal count and submitted a
25 fraudulent claim and invoice.

1 You might be wondering, What's wire fraud? It's a
2 big -- a lot of legal words. And when you get these
3 instructions and sometimes -- lawyers wrote them, so they're
4 wordy. "The defendant voluntarily and intentionally
5 devised, or made up a scheme to defraud, or participated in
6 a scheme to defraud, with knowledge of the scheme's
7 fraudulent nature."

8 "To defraud another out of money or property by
9 means of material, false representations, or promises." So
10 what does that mean? Fraud is just lying to someone to get
11 their money. That is all. A white collar prosecutor [sic],
12 and you've seen -- it sounds all fancy, but it's not. It's
13 lying to someone to get their money. You lie to someone to
14 get them to pay you money or give you money or to trick them
15 out of money, that's fraud. Simple as that.

16 You have to have intent to defraud. You have to
17 be trying to get their money through your lies or through
18 your misrepresentations.

19 And third, that you caused an interstate wire
20 communication, like an e-mail or a wire transfer in
21 furtherance of or an attempt to carry out some step in the
22 scheme. So you send an e-mail with a fraudulent meal count
23 or a fraudulent invoice. Something like that. That's wire
24 fraud.

25 So let's talk about each defendant starting at the

1 top. Okay?

2 Defendant number one is Abdiaziz Farah. He's kind
3 of the ringleader of this scheme in some ways. He was a
4 coowner of Empire Cuisine & Market. Like I said, he and
5 Mohamed Ismail formed it on April 1st, 2020. Enrolled in
6 the program a couple weeks later. And Abdiaziz Farah, like
7 so many of his codefendants, submitted fraudulent meal
8 counts and rosters to Partners in Nutrition, to Feeding Our
9 Future, to get money. Federal Child Nutrition Program money
10 to which he was not entitled.

11 Submitted fraudulent invoices, as you saw e-mail
12 after e-mail that he sent to Kara Lomen, the Executive
13 Director of Partners in Nutrition, that he sent to Abdimajid
14 Nur, that he sent to Mahad Ibrahim, containing fraudulent
15 invoices, claiming to be entitled to federal money, Federal
16 Child Nutrition Program money, to which he was not entitled
17 because he didn't serve the number of meals claimed. Simple
18 as that.

19 You heard he created shell companies to receive
20 fraud money, Empire Enterprises.

21 He split the proceeds among his coconspirator.
22 You saw the text messages that he sent with Mahad Ibrahim,
23 with Abdimajid Nur. Talked about picking up the checks.
24 Talking about splitting up the pot. How to distribute the
25 money among his various coconspirators, and to his -- and

1 his coconspirators' various entities to conceal their
2 ownership, their control, the source of the funds, to make
3 it look good.

4 You heard how he bought a Tesla, a truck, a
5 Porsche. And he bought real estate in Minnesota. Not only
6 that, those lots and that property on Prior Lake, but also a
7 property in Burnsville. He bought property in Louisville,
8 Kentucky and in Nairobi, Kenya. All with Federal Child
9 Nutrition Program funds with the proceeds of the fraud
10 scheme. That was his role.

11 Mohamed Ismail. Abdiaziz Farah's coowner, his
12 partner at Empire Cuisine & Market. He created fake meal
13 counts. We looked at them earlier. Pocketed more than
14 \$2.2 million in fraud proceeds. He wired over \$400,000 in
15 fraud proceeds to China. He used over \$100,000 in fraud
16 proceeds to pay off his mortgage. He helped pick up checks.
17 He distributed checks. He received checks. You saw the
18 text messages.

19 Mahad Ibrahim, who's not on trial here but part of
20 this, so let's talk about him. Because he's a charged --
21 he's a coconspirator here, even though he's not sitting here
22 at trial today. You don't have to decide as to him. But
23 you heard about his role. He had the nonprofit,
24 ThinkTechAct, also went by the name Mind Foundry. Operated
25 dozens of Federal Child Nutrition Program sites that really

1 money just flowed through to Empire. In fact, Abdiaziz
2 Farah even joined the board of directors of ThinkTechAct
3 during this scheme.

4 Mahad Ibrahim, himself, personally in his account
5 got more than \$2 million from fraud proceeds. Bought a
6 house. Built a custom-built home in Columbus, Ohio where he
7 split his time.

8 You saw he submitted fraudulent invoices, meal
9 counts. He was involved in splitting up the money among
10 the coconspirators. And he used his consulting company.
11 And he, frankly, he used ThinkTechAct to conceal what was
12 going on. Because, of course, as you heard and remember,
13 starting in October of 2020, Empire couldn't be involved
14 directly. They had to go through the nonprofit. And that's
15 why you saw the money flow through ThinkTechAct almost
16 directly to Empire Cuisine. That's money laundering.
17 You're concealing what you're doing. MDE said, Empire, you
18 can't do this anymore and said, Aha. You had to go through
19 a nonprofit. Oh, we'll show you. I'll join the board of a
20 nonprofit and we'll just flow it right through. That's
21 money laundering.

22 You also heard about Abdimajid Nur and you saw how
23 he created and submitted fake meal counts. Hundreds,
24 thousands of fake meal counts signed as the site supervisor.
25 Again and again, meal counts submitted as a site supervisor

1 for sites all over the State of Minnesota.

2 You saw them on his Google drive. He created
3 them. He signed them. He submitted them. He e-mailed them
4 around. He created and submitted the fake invoices. And
5 you just saw it, they were in his Google drive. He had the
6 template and he created invoices for company, after company,
7 after company. ThinkTechAct, Mind Foundry, Empire Cuisine &
8 Market, Empire Enterprises, Afrique Hospitality, Bushra
9 Wholesalers. He created fake invoices for all of them using
10 his template.

11 He got over \$900,000 in consulting payments from
12 these various entities for creating those fake documents.
13 He created his company, Nur Consulting, on April 5th, 2021.
14 The same day that Abdiaziz Farah created Empire Enterprises.
15 You know why they did that. The money poured in was all
16 Federal Child Nutrition Program funds.

17 And you heard how he used his money. He bought a
18 car. He bought a house. He traveled to the Maldives, a
19 luxury island in the Indian Ocean. Dubai. Kenya. Bought
20 jewelry. \$30,000 worth of jewelry at a store in Dubai.

21 He recruited his sister to join the conspiracy,
22 the scheme, Hayat Nur.

23 Now, you might be wondering about her role in the
24 case and is it lesser. Yeah, that's how conspiracies work.

25 In fact, you heard during the trial suggestions

1 again and again that, oh, that wasn't my signature. Oh, I
2 didn't send that. Oh, I don't know about that. That's why
3 you have a conspiracy. That's why you have different people
4 with different roles, to give you plausible deniability. I
5 didn't sign the meal counts. I'm not responsible. I didn't
6 send that e-mail. I'm not responsible.

7 Hayat Nur played a very important role here, along
8 with her brother, creating these fake invoices. And, of
9 course, someone in her role has the opposite plausible
10 deniability. I was just tired. I just work here. Someone
11 asked me to do invoices and I created them. I don't know.
12 They all knew. Everyone knew.

13 How can you not know when your brother's getting
14 all of a sudden a millionaire? Buying property in Kenya.
15 Cars. The idea that people don't know about that is
16 preposterous.

17 And you saw her create fake meal counts. Her
18 brother showed her how to do it. Remember that take, "It's
19 easy here to 'save as.' Keep it as a Word document. You
20 just find and replace and change the name and meal counts
21 stay the same. The dates stay the same."

22 You saw her create fake invoices. Those Afro
23 Produces invoices, the "master document." That's what she
24 did. Amazing. Just think about that. Creating fake
25 invoices. This isn't close to the line here. This isn't

1 something that an employee, just my boss told me to do this.
2 My boss told me to create fake invoices. Of course it
3 wasn't her boss, it was her brother. Actually created, as
4 you saw, fake rosters and e-mailed them around. She created
5 \$10 million one e-mail in January. In a matter of four
6 hours created \$10 million worth of backdated invoices in
7 support of the defendant's claims.

8 She got more than \$30,000 and she bought a car,
9 along with her brother. I don't know. It doesn't really
10 matter. You notice the element isn't, you get rich,
11 although people did, and certainly her brother did.

12 Let's talk about Said Farah. As you heard, he
13 created another entity, Bushra Wholesalers. February 11th
14 of 2021 during the scheme, just like the pattern, started a
15 company, get rich. He got more than \$1 million personally.
16 He created fake invoices. He paid kickbacks, bribes, to
17 Hadith Ahmed, the Feeding Our Future employee, and we'll
18 talk about those in a minute.

19 He transferred hundreds of thousands of dollars to
20 Kenya and China. Fraud proceeds. And you saw his company
21 was used in a very specific way, purporting to be a food
22 distribution company. Look, we cut a check to Bushra
23 Wholesalers. They have a warehouse full of food. Look,
24 it's legitimate. Within days -- actually some of the checks
25 are, I believe, dated before the company was even created,

1 certainly before it had a bank account. Money was already
2 rolling in to make it look good. It was used to launder
3 money to conceal the fraud proceeds to help the scheme.

4 And Abdiwahab Aftin, his partner, Said Farah's
5 partner, coowner of Bushra Wholesalers, that company
6 received and laundered more than four and a half million
7 dollars, by the way, from February 2021 to January of 2022,
8 in what, ten, eleven-month period? Pretty good new
9 business.

10 Abdiwahab Aftin, as you saw, created, submitted
11 fake invoices. He was -- his signature is on fraudulent
12 meal counts and he transferred hundreds of thousands of
13 dollars to his relatives in Kenya, to build that 12-story
14 apartment building. He also transferred money to a relative
15 in Louisville to buy property, Abdifatah Aftin. Partners in
16 Capital View Properties and other international real estate
17 ventures.

18 And you heard Abdiwahab Aftin. He's a friend, not
19 just brother of Said Farah. He was, the immigration
20 sponsored by Abdiaziz Farah. There's nothing wrong with
21 that. But what is wrong is committing fraud. He's working
22 together with friends and family to commit fraud. That is
23 not okay.

24 Now, Mukhtar Shariff. Heard a lot about him in
25 his role in this scheme. He founded Afrique Hospitality

1 Group with others, including Mahad Ibrahim. He was the
2 chief executive officer of Afrique Hospitality Group. He
3 purportedly ran the Dar al-Farooq site. The single largest
4 site that purported to be serving meals, 3,500 kids. He
5 submitted fraudulent meal counts and rosters. You talked at
6 length about those e-mails yesterday. You saw them. He
7 submitted fraudulent invoices for hundreds of thousands of
8 dollars and ultimately millions of dollars in Federal Child
9 Nutrition Program money.

10 He circulated food invoices that were used for
11 other entities. You saw Afrique purchases from Sysco and
12 other entities that were reused. They were used by Afrique,
13 they were used by ThinkTechAct, they were used by Empire
14 Cuisine & Market for different sites. Sites under the
15 sponsor of Feeding Our Future, including Dar al-Farooq, and
16 dozens of sites under the sponsorship of Partners in
17 Nutrition. And you also saw all the other checks he got
18 from other entities involved in the scheme to Afrique
19 Hospitality Group.

20 Because as you saw, Afrique Hospitality Group in
21 its own -- in its own PowerPoint, the whole plan before it
22 was even created, was to use the food money to build this
23 event center. Not okay.

24 And you heard Mukhtar Shariff himself received
25 over a one million dollars in 2021. One million dollars.

1 You got to think about that. We've come to be desensitized
2 to the numbers. One million dollars.

3 Now, I want to talk to you about another
4 instruction the Judge is going to give you. It's called
5 "Willful Blindness."

6 The defendants have to act knowingly and
7 intentionally in a fraud scheme. Okay? It can't be an
8 accident. Okay.

9 You may find, as the Judge is going to tell you
10 here, "You may find the defendant acted knowingly, if you
11 find beyond a reasonable doubt that he or she believed there
12 was a high probability that a certain set of facts existed
13 and that he took deliberate actions to avoid knowing or
14 learning of those facts. The knowledge can be inferred if
15 the defendant deliberately closed his or her eyes to what
16 would have otherwise been obvious to the defendant."

17 "A willfully blind defendant is one who takes
18 deliberate actions to avoid confirming a high probability of
19 wrongdoing and who could almost be said to have actually
20 known of the critical facts."

21 Again, when you heard suggestions that, I didn't
22 know, I didn't send that e-mail, I don't know what -- I
23 don't concern myself with that person's business. Willfully
24 blindness. You can't just turn a blind eye to the obvious.
25 You can't submit obviously fraudulent, fictitious, fake

1 documents and receive hundreds of thousands or millions of
2 dollars in exchange for it and say, I didn't know. I don't
3 know. I didn't concern myself with that part of the
4 business. You're guilty if you do that. You can't just
5 close your eyes to the obvious to avoid responsibility.
6 That's the wire fraud conspiracy.

7 So let's talk about the wire fraud. We talked
8 about the elements again. It's just lying to get someone's
9 money. Acting with intent to defraud, doing so
10 intentionally, and using an interstate wire transmission in
11 an attempt to further or carry out some step in the scheme.

12 So wire frauds are charged count by count, wiring
13 by wiring. So let's go through them.

14 Count 2 charges Abdiaziz Farah with the wire
15 fraud. This is the e-mail that he sent to Kara Lomen and
16 Mohamed Ismail's on here as well. May 2020 meal counts.
17 There you go. Meal counts that he submitted to Partners in
18 Nutrition claiming reimbursements fraudulently.

19 Count 3. Count 1 is the conspiracy. That's
20 Count 2 of wire fraud. Count 3 is another wiring from
21 Abdimajid Nur. An e-mail to Kara Lomen, the Executive
22 Director of Partners in Nutrition. He copied Mahad Ibrahim
23 and Abdiaziz Farah in June of 2021 with an Empire Catering
24 contract.

25 This is the contract for vended meals. Contract

1 under which Empire Cuisine & Market received Federal Child
2 Nutrition Program money for its fraudulent claims in the
3 summer of 2021.

4 Now, it has to be a wiring if it's interstate.
5 And you heard about that, you may have missed it, but we had
6 various people from the bank, sometimes we would break into
7 testimony and someone from U.S. Bank got up, the Fedwire got
8 up and said, you know, if you send an e-mail -- or gmail --
9 if you send a gmail, it goes through servers located outside
10 the State of Minnesota or if you use the Fedwire system,
11 which is a banking wire system, it has to go through servers
12 located in New Jersey, or Texas or both, actually.

13 U.S. Bank goes through servers in Olathe, Kansas.
14 Wells Fargo servers outside the State of Minnesota. You
15 heard from each of those people. I don't think it's really
16 in dispute, but each of these traveled interstate and you
17 heard witnesses testify about that.

18 Count 4. Abdimajid Nur to his sister, Hayat.
19 This is the e-mail with the consolidated meal counts, a list
20 of numbers, 1,500, 1,000, 500, 500, 500, 500, 1,100, 2,000,
21 2,000, 600, 1,000. Weird that the kids show up in exactly
22 even numbers. And, of course, they have an easy trick. It
23 makes it easier if the numbers are even and all the same.
24 It's more lucrative and it's easier to do. Just save as.

25 An e-mail that was sent via gmail, traveled

1 through servers outside of the State of Minnesota, and was
2 sent in furtherance of the fraud scheme. To carry it out.
3 To teach Hayat Nur, his sister, how to do this. How to
4 create fraudulent meal counts.

5 This one says Count 4, but it's actually Count 5
6 here. Abdiaziz Farah sends an e-mail to Kara Lomen from
7 PIN. Abdimajid Nur's on there, Mahad Ibrahim. "Subject
8 line: Empire Summer Food July Claim. Please see attached
9 documents for your reference." It's July invoice meal
10 counts. And there's the invoice. \$988,000 for meals
11 purportedly served in July of 2021 by Empire.

12 Now, you may remember this e-mail. We looked at
13 it at some length and we compared it to an e-mail sent a
14 couple days later to Feeding Our Future, purportedly with
15 the invoices for the Dar al-Farooq site and other sites and
16 they contain the same food invoices submitted to different
17 sponsors for the July claims. And there they are, the
18 invoices. Same ones that were submitted elsewhere. Afrique
19 invoices and Empire invoices. Same invoices submitted to
20 different sponsors in support of different claims, claiming
21 to have served different kids, at different sites, in
22 different cities, in the same days to different sponsors.
23 That was sent in furtherance of the fraud scheme.

24 Count 6 is an e-mail from Abdimajid Nur to
25 Abdiaziz Farah in August of 2021. And you see the

1 government exhibits, these L series, L-2, L-3, L-4 of the
2 counts. You can look at them in the exhibits when you're
3 back there if you like.

4 L-6 corresponds to Count 6. And there's a site
5 authorization form for the Free Minded Institute. And we'll
6 talk more about that a little later. But the Free Minded
7 Institute was created in the fall of 2020. Opened a bank
8 account. Enrolled in the program under the sponsorship of
9 Partners in Nutrition. The company was created by Julius
10 Scarver, essentially the Hadith Ahmed, the right-hand man of
11 Kara Lomen and Kara Lomen's boyfriend. And every single
12 penny that went into that account was Federal Child
13 Nutrition Program money. And 97 percent of it flowed to
14 Empire Cuisine & Market. Just used to launder money.

15 And this authorization form to open up sites in
16 the name of this nonprofit, the Free Mind Institute was sent
17 in furtherance of the fraud scheme. To carry it out. To
18 help it along. And it passed through servers, gmail servers
19 outside the State of Minnesota.

20 Count 7. October 2021 e-mail from Abdiaziz Farah
21 to Mahad Ibrahim. The invoice for ThinkTechAct claiming to
22 be entitled to more than \$1.6 million. And this is, again,
23 money flowing. It's MDE money that flowed to Partners in
24 Nutrition. That flowed to the nonprofit ThinkTechAct. And
25 then it gets passed along to Abdiaziz's for-profit entity,

1 Empire Cuisine & Market. This is not, by the way, the free
2 market at work in a normal way. That is not what's going on
3 here. This is laundering. This is fraud. And this e-mail
4 was sent in furtherance of the fraud scheme.

5 Count 8. Government Exhibit L-8 is an e-mail sent
6 by Mukhtar Shariff to claims at Feeding Our Future. If you
7 recall, this was the e-mail that agents originally searched
8 the Feeding Our Future -- to which all the claims for
9 Feeding Our Future were submitted through this e-mail.

10 Mukhtar Shariff knew about it. He sent an e-mail
11 about it -- or to it titled, "Claims and Invoice for
12 September 2021." He blind-copied, Mahad Ibrahim, his CFO at
13 Afrique. And what's attached? Meal counts for the Dar
14 al-Farooq site. 3,500-3,600 kids a day. Site delivery
15 receipt with his name on it.

16 Again, when you see 3,500, they're claiming 3,500
17 breakfast and 3,500 lunch. So 3,500 kids a day, 7,000 meals
18 a day, times seven days, if you want to do the math that
19 way, 50,000 meals a week. That's why the invoices got so
20 big.

21 Again, this was a fraudulent claim submitted in
22 furtherance of the fraud scheme. And this e-mail, by the
23 way, had those rosters attached to it, even the one with
24 insane names like Getsaname Hester, Flavor Doe.

25 The one that had a 75 percent overlap with rosters

1 for Cedar Cultural Center in Minneapolis and the Scott Park
2 Apple Valley site.

3 Count 9, Abdiaziz Farah to Kara Lomen copying
4 again Mahad Ibrahim from ThinkTechAct. Invoice and total
5 monthly attendance for the TTA sites, the ThinkTechAct
6 sites. Invoice claiming to be entitled to \$1.8 million in
7 Federal Child Nutrition Program's funds for that month.

8 And look at the sites. I mean, again, you can
9 become desensitized. Site, after site, after site.
10 Hundreds of thousands of meals they claimed to be serving.
11 That e-mail was sent in furtherance of the fraud scheme and
12 it passed through gmail servers located outside the State of
13 Minnesota.

14 Count 10 is an e-mail that Hayat Nur sent to Kara
15 Lomen, again Executive Director of Partners in Nutrition,
16 copied Abdiaziz Farah. "December's invoices and total
17 attendance reports." Look at them all. And what's
18 attached? An invoice for \$2.1 million from ThinkTechAct to
19 Partners in Nutrition. \$2.1 million in Federal Child
20 Nutrition Program funds claiming to be -- for claiming to
21 have served hundreds of thousands of meals that month to
22 kids at sites all over the State of Minnesota.

23 Count 11 is another e-mail from Hayat Nur to
24 Abdiaziz Farah who copied her brother, Abdimajid Nur. And
25 you saw that registered e-mail. The date -- earlier that

1 day, Abdiaziz Farah sent her a list of invoices for which he
2 -- or payments for which he wanted invoices. And here she
3 creates and sends a series of those invoices, more than
4 \$10 million of the invoices backdated all the way back to
5 February of 2021 when these entities were first created.

6 Count 12, you'll see that on January 23rd, 2022,
7 Abdimajid Nur forwards those invoices to Said Farah of
8 Bushra Wholesalers, Abdiaziz Farah's brother. And why did
9 he do that? Well, something happened pretty significant
10 between Count 11 and January 12th and Count 12 on
11 January 23rd, and that was the execution of federal search
12 warrants.

13 As you heard, the defendants started working hard.
14 They had to make sure they had have their paperwork in
15 order. You need the invoices. It's kind of weird that
16 Abdimajid Nur is sending Bushra Wholesalers invoices to the
17 guy who owns Bushra Wholesalers. You'd think he'd have
18 that. And you heard later that he, Abdimajid Nur, created a
19 bunch of consulting contracts between Nur Consulting and
20 Bushra Wholesalers, ThinkTechAct, Empire Enterprises after
21 the fact purporting to document this sham consulting
22 arrangement.

23 Why? Because the secret was out. The
24 investigation was over. All that work they had done over
25 the past year to document their fraud, to paper it up, fake

1 meal counts, fake rosters, fake invoices, they had to make
2 it look good. They had to keep going. And they knew now
3 suddenly we're going to need that stuff. That's Count 12.
4 And that's why that count is in furtherance of the fraud
5 scheme.

6 Make no mistake, this fraud didn't end on January
7 20th. The payments stopped. Yes! MDE stopped paying.
8 Thank God. After the search warrants happened. But the
9 defendants' conspiracy, their scheme didn't end. They kept
10 going. They tried to hide it. They tried to conceal it.
11 So those are the wire fraud counts.

12 As you heard, the defendants are also charged with
13 a conspiracy to commit federal programs bribery and I want
14 to talk about that a little bit.

15 The Judge is going to tell you about the elements.
16 What the government has to prove for federal programs
17 bribery. And, you know, this is Hadith Ahmed and others
18 that got the kickbacks. You heard all about it. That's
19 illegal. You can't pay kickbacks in exchange for getting
20 federal funds.

21 So the elements. "Two or more people reached an
22 agreement to commit the crime of federal programs bribery."
23 They agreed to do it. They decided to do it.

24 "That the defendant voluntarily and intentionally
25 joined the agreement either at the time or later."

1 "At the time they joined, the defendant knew the
2 purpose of the agreement. They knew what they were doing.
3 They knew they were paying kickbacks."

4 "And that while the agreement was in effect, the
5 person who had joined in the agreement," someone who had
6 joined in it, "took a step in furtherance of it." They did
7 it. They paid a kickback.

8 And that's exactly what you heard. Abdiaziz
9 Farah, Said Farah, Mukhtar Shariff, paid kickbacks to
10 Feeding Our Future employee Abdiaziz Ahmed and Ikram Mohamed
11 and to a Partners in Quality Care employee, Julius Scarver.
12 Kara Lomen's boyfriend and right-hand man.

13 They're also charged with various counts, federal
14 programs bribery. So what is that? What does it mean?
15 They conspired to commit a crime. What's the crime?

16 The elements are, "That the recipient of the crime
17 was an agent of a sponsoring entity." In this case Feeding
18 Our Future or Partners in Nutrition.

19 "That the defendant corruptly gave, offered, or
20 agreed to give something of value in connection with the
21 entity sponsoring the defendants in his or her
22 coconspirators' fraudulent participation in the Federal
23 Child Nutrition Program."

24 What does that mean? They paid them a kickback to
25 get -- to participate in the fraud, to get special

1 treatment.

2 "That the transaction or transactions involved
3 something of value of \$5,000 and more -- or more."

4 "And that the sponsor received benefits in excess
5 of \$10,000 in a one-year period, pursuant to the Federal
6 Child Nutrition Program."

7 Well, you heard both Feeding Our Future and
8 Partners in Nutrition got hundreds of millions of dollars in
9 2021 in Federal Child Nutrition Program money.

10 Let's talk about the people who solicited and
11 received the kickbacks.

12 First, Hadith Ahmed. He testified for some length
13 at this trial, I think it was week two -- several weeks ago
14 now. Hadith Ahmed was a Feeding Our Future employee. He
15 was the supervisor of site supervisors, as you may recall.

16 So the site supervisors, in theory, what they're
17 supposed to do is they go out to the sites to make sure the
18 meals are being served. Make sure the rules are being
19 followed. There's a good menu. Not just -- let me be
20 clear, not to just to ensure that the meals are being served
21 because that should be a given, right? I mean, yes that.
22 But to make sure that the rules are being followed. That
23 the meals have the necessary components. That they're
24 healthy. That they're nutritious. That they have the five
25 food groups that are a part of it. Of course, we're such a

1 far cry from that here, but that's what it's supposed to be.

2 And he supervised the various site supervisors for
3 Feeding Our Future. We have hundreds of sites that they
4 opened up during COVID. And as you heard, Hadith Ahmed said
5 he and his colleagues took kickbacks. And why did they take
6 kickbacks? Why did people pay them kickbacks? Why kickback
7 money to someone? And you heard why. "We were not visiting
8 the sites. We were all taking kickbacks at the time." It
9 was crazy. If you wanted to participate in our Feeding Our
10 Future, you paid them money. They wouldn't check out your
11 sites. They'd overlook it. They'd overlook the fake
12 rosters that they knew were fake. They knew that the meal
13 counts were fake. But if you paid them a portion of your
14 fraudulent proceeds, they'd let you do it.

15 And that's Hadith Ahmed did. He pled guilty to
16 it. He's cooperating, as you heard. He's trying to reduce
17 his sentence. And in hopes that the Judge here will give
18 him a reduced sentence, he agreed here to come and tell the
19 truth.

20 The Judge will decide what happens to Hadith Ahmed
21 and you get to decide his testimony. And you saw, he was
22 completely consistent with the evidence in this case. The
23 kickbacks, the scheme, the overlooking.

24 In fact, you saw the defendants talk about him in
25 text messages and they call him a dumb ass. They're trying

1 to get sites open in the summer of 2021. This was coming
2 out of the stop pay. They're trying to reopen their sites,
3 including the biggest sites. MDE's trying to crack down.
4 You know, this is, mind you, the summer of 2021. COVID
5 started in the spring of 2020, so kids are back in school
6 now mostly. Back playing -- doing activities. Vaccinations
7 have been rolled out. And they're trying to get the program
8 back to what it was, which is supplementing the school lunch
9 program in the after school formal educational setting and
10 then summer through schools. Not a boondoggle.

11 And so the defendants are trying to get Feeding
12 Our Future to lean on MDE to try to get their sites back
13 open. And you can see them here talking about Hadith,
14 talking about Ikram Mohamed. "Not sure she's better. Ikram
15 is up front at least and smart."

16 You heard about how Hadith Ahmed solicited
17 kickbacks from lots of people, not just the defendants who
18 they talked about. Hadith, when they wanted to get
19 something from Feeding Our Future they went to Hadith
20 because he worked there.

21 And you saw, he told you -- he said he had a
22 consulting company that he used like the defendants to hide
23 and conceal his fraud proceeds. And he's all consulting.
24 And it's like a who's who of fraud-y Federal Child Nutrition
25 Program companies. And he told you, went through them one

1 at a time, Hope Suppliers is one that he and Abdikerm Eidleh
2 and other Feeding Our Future employees started to defraud
3 the program. Action for East African People sent -- paid
4 him kickbacks. Great Lakes, Inc., paid him kickbacks.
5 Action Care. Bushra Wholesalers, \$120,000 to an employee of
6 Feeding Our Future. Empire Cuisine & Market, \$20,000. Said
7 Farah personally paid him 12 grand.

8 Count 14, is one of those payments from Empire
9 Cuisine & Market. Abdiaziz Farah to Hadith Ahmed for
10 \$10,000 on February 1st, 2021, for consulting.

11 Now again, take a step back. Think about a
12 school. A kindergarten teacher. Someone who serves, a
13 lunch lady. Have they taken consulting payments \$10,000 at
14 a time? No, they aren't. Kickbacks are illegal. Kickbacks
15 are not close to the line. And there is no reason for them
16 to be paying this kickback to a Feeding Our Future employee
17 except for the obvious one, the \$40 million reason.

18 That was on February 1st, Count 14.

19 You see two weeks later Said Farah pays another
20 \$12,000 to Hadith Ahmed for a loan. In two weeks alone they
21 pay him over 20 grand.

22 Count 16. July 25th, another payment. This one
23 from Said Farah's company, Bushra Wholesalers, to Mizal
24 Consulting, Hadith Ahmed's shell company for consulting,
25 \$65,000.

1 Count 18. September 9th, 2021, payment from
2 Bushra Wholesalers to Mizal Consulting for \$35,000 to Hadith
3 Mahad, Feeding Our Future employee. As he told you, he
4 wasn't consulting, he was receiving kickbacks. Some of them
5 were after he left the company. He was still getting
6 kickback money. That was how it worked. "Money flowed
7 freely." I think he said that. There was money everywhere.

8 October 11th, 2001, Count 19. Another \$20,000
9 from Bushra Wholesalers to Mizal Consulting. Hadith Ahmed's
10 company, again, for consulting. He wasn't a consultant,
11 ladies and gentlemen, as he told you himself.

12 As Hadith told you, there was -- he was not the
13 only person at Feeding Our Future who was soliciting and
14 receiving kickbacks from sites under its sponsorship. Ikram
15 Yousef Mohamed took over his role in the summer of 2021 as a
16 supervisor of supervisors. And she received kickbacks for
17 giving the same VIP treatment for looking the other way, for
18 not visiting the sites, for approving obviously fraudulent
19 claims.

20 And you saw, again, they talked about it. This is
21 in April. Hadith was still there. "I hate to bring this
22 back, Hadith, Mahad, Ikram they're not super smart. Ikram,
23 she eats on all sides. Feeding Our Future, the sites, she
24 gets payments everywhere but she did all that was requested
25 of her. After seeing Feeding Our Future, whatever Kara got

1 is a piece of cake."

2 "Eidleh," again who Hadith talked about, Abdikerm
3 Eidleh, another site supervisor. "I knew it. Eidleh
4 apparently eats too."

5 Everyone knew they were getting kickbacks. This
6 wasn't a trade secret. How could it be? People were making
7 tens of millions of dollars.

8 And you saw Mukhtar Shariff participate in
9 Count 15. In June of 2021, he wrote a check for \$250,000, a
10 cashier's check from Afrique Hospitality to Ikram Mohamed.
11 It wasn't a loan. She didn't use it to build a daycare. It
12 was a kickback, just like the others.

13 You also heard and saw evidence of a kickback to
14 Julius Scarver, the right-hand man of Kara Lomen, an
15 employee of Partners in Nutrition, Hadith Ahmed's
16 counterpart at Partners in Nutrition, as he told you. Kara
17 Lomen's boyfriend, the executive director.

18 He received kickbacks in exchange for providing
19 the same VIP treatment at Partners in Nutrition. You heard
20 about that from Hadith Ahmed and you saw it in the form of
21 the Free Minded Institute that he created.

22 You saw how he created it. Government Exhibit
23 B-12. He registered this entity with the Secretary of State
24 of in the summer of 2021. Listed his grandma's house as the
25 address.

1 And then they started billing like crazy. Some of
2 them before the bank account was even created here. October
3 11th, \$208,000 from the Free Minded Institute to Partners in
4 Quality Care. From Abdimajid Nur again, who I think have no
5 relationship with the company. It's not Julius Scarver,
6 it's his company.

7 Abdimajid Nur to Abdiaziz Farah, MFI invoice from
8 September. Three different sites, including Cedar Cultural,
9 the site that was used in the same roster or mostly the same
10 roster as Dar al-Farooq.

11 And then you saw the checks immediately deposited
12 into the account. The opening deposit into the account,
13 \$172,000 in Federal Child Nutrition Program funds from
14 Julius Scarver's employer, Partners in Nutrition, and from
15 his girlfriend's company. Signed by Kara Lomen even.

16 There's the chart of feeding -- the Free Minded
17 Institute. It will look like no other company will ever see
18 again, not that you'll hopefully ever have to look at a
19 Sources and Uses Analysis ever again in your life, but if
20 you do, I promise you it won't look like this. Company
21 starts October 21st, 2021. The bank account's open. In the
22 next four months, \$2.5 million deposited into the account.
23 Every single penny from Partners in Nutrition. Where does
24 it go? 97 percent to Empire Cuisine & Market. You will not
25 see a better example of money laundering in your life.

1 The rest of the money was spent on walking around
2 money by Julius Scarver. As you heard, debit card, alcohol,
3 and tobacco, a hotel. Some of it went to Hayat Nur, who
4 helped do some invoices. Abdiaziz Farah for some reason
5 took a paycheck. You'd think the \$30 million he got would
6 be enough.

7 And to kick it off, literally, \$10,000 kickback to
8 Julius Scarver's, which is Count 17. They needed him to get
9 these fraudulent claims submitted. They needed him to open
10 this entity. They needed him to grease the skids with Kara
11 Lomen. And that is exactly what he did.

12 Okay. Let's talk about money laundering here,
13 okay? The defendants are charged with conspiracy to commit
14 money laundering.

15 "Two or more people reach an agreement to commit
16 the crime of money laundering."

17 "They voluntarily and intentionally agree and join
18 the agreement." Just like every other one. They knew the
19 purpose. And then someone took a step in furtherance,
20 someone did something to carry out the conspiracy.

21 Yeah, so let's talk about what they did.

22 The conspiracy here was to conceal the proceeds of
23 their fraud scheme through the various entities. And you
24 saw the different entities they created.

25 This is just some of them. Empire Cuisine &

1 Market. Empire Enterprises created on April 1st, 2021.
2 Mind Foundry, which laundered as this nonprofit that they
3 needed. Bushra Wholesalers, created by Said Farah and
4 Abdiwahab Aftin. The various consulting companies that you
5 saw, and, of course, Afrique Hospitality Group.

6 I want to walk through a few of them specifically,
7 okay?

8 First off, Bushra Wholesalers. The company
9 created by Said Farah and Abdiwahab Aftin. They created the
10 company on February 11th, 2021. They're both listed as the
11 organizers. Opened a bank account a few days later on
12 February 16th as the two signatories here.

13 Look at that. Account opened up on February 16th
14 but right away there's a check for food storage for a few
15 days earlier from ThinkTechAct for \$100,000 and another
16 \$100,000 check from Empire Cuisine & Market dated
17 February 16th, the very day the bank account was open for
18 wholesale products.

19 Did that money go to buy wholesale products?
20 Well, they couldn't have bought the products before, it
21 wasn't open. No, it was wired to China.

22 They wanted to conceal what they were doing. One
23 way to do that was ThinkTechAct, your nonprofit, if a
24 nonprofit in the food program wires money to China, that is
25 suspicious, but if it pays 100 grand for food storage,

1 that's less so. That looks like it could be legitimate.

2 Until you go into the bank records and see that that money
3 flowed to China literally a week later, \$80,000.

4 You saw them text about it. Said Farah and his
5 brother, Abdiaziz, on February 21st he's sending -- two days
6 before the wire transfer Abdiaziz is sending information.
7 Said Farah sends the document from a prior wire he had sent.
8 Again, texting this entity in China, this tire company, and
9 then an invoice.

10 Again, on April 3rd Abdiaziz Farah texts his
11 brother, Said, saying, "Abdimajid -- Abdimajid Nur's going
12 to bring you a \$210,000 cashier's check. \$10,000 for you,
13 \$10,000 for Abdiwahab. \$190,000. Please wire. It's due in
14 Kenya in a couple days." He reminds him the next day,
15 "\$190,000, please. And I need an invoice made out to Bushra
16 Wholesale."

17 Now, I remind you, Abdiaziz Farah did not work for
18 Bushra Wholesaler. Said Farah asks for a little bit more
19 detail. And then what do you see? They send the invoice
20 for \$190,000 to this company in China. Making it look good,
21 right? And there's the wire on April 6th, a few days later.
22 \$190,000 from Bushra for goods, this company in China.

23 You saw more examples of money laundering by
24 Bushra and how it was used and I'll give at one more example
25 here. You saw this entity called Manmabuyu, LLC, and Bushra

1 Wholesalers. Here's an example: On September 14th of 2021,
2 writes a check for \$108,000 -- \$118,000 to Manmabuyu, LLC,
3 for groceries, according to the memo line. Looks good,
4 right, for a food distribution company? Nothing to see
5 here.

6 Until you look in the Manmabuyu account and you
7 see that money was not used for groceries. It was used to
8 buy a car from East Side Auto. \$40,000 on that same day for
9 a 2020 Palisade. And there's the record there. 2020
10 Hyundai Palisade.

11 And then six days later, another \$26,000 to East
12 Side Auto with that same Manmabuyu account, using that same
13 money for Bushra Wholesalers, that grocery money, to buy
14 another car, a Honda Odyssey. That's money laundering.
15 That's what it is. You're concealing what you're doing.
16 You're using an entity to conceal the source, the ownership,
17 and control of your company, of your money.

18 You heard about Afrique. I want to talk
19 specifically about Afrique. You saw what they did. They
20 were open about it in their PowerPoint, anyway. "We're
21 going to use the food money to build this event center."
22 It's exactly what they did.

23 This was sent on December 31st, of 2020.
24 January 1st, you saw the claims from Feeding Our Future.
25 Claimed to be serving meals to 2,000 kids a day, the

1 following day.

2 And you saw the checks that poured in from Feeding
3 Our Future, from ThinkTechAct, from Empire Cuisine & Market,
4 from Bushra Wholesalers, from Inspiring Youth and Outreach.
5 Food, food, food, food, food. That is not how the food
6 money was used. Not most of it anyway. It was used to
7 build this dream. To make the dream a reality, as they put
8 it. To build this event center with a restaurant, a
9 catering company, a wedding hall, library, art space,
10 business incubator. Used to conceal the money. The source,
11 the ownership, the use of the Federal Child Nutrition
12 Program funds, that mind you, were supposed to be used to
13 feed children.

14 Finally, ladies and gentlemen, or almost finally,
15 there are a different kind of money laundering count it's
16 called 18 U.S.C. 1957, which is just a lawyer way of saying
17 it's illegal to buy -- to engage in financial transactions
18 with more than \$10,000 in the proceeds of a crime.

19 So if you commit a crime, you make money from your
20 crime, and you buy something or transact in more than
21 \$10,000 in your proceeds at a time, that's a crime.

22 So the elements.

23 "The defendant knowingly caused a payment of more
24 than \$10,000 knowing that the payment involved the proceeds
25 of a crime."

1 "The payment took place within the United States."

2 And then, "In some way or degree affected
3 interstate commerce." You're guilty of this form of money
4 laundering.

5 And there's a bunch of them here. Count 21
6 involves a check to Bushra Wholesalers, Said Farah's
7 company, for \$118,000 for groceries. Again, as we just
8 talked about, this was designed to conceal the proceeds to
9 make it look like they were buying food and they were not.

10 More than \$10,000. It affected interstate
11 commerce. You heard stuff about the wire transactions that
12 were processed for these checks. Someone from Old National
13 Bank testified. And it certainly took place within the
14 United States.

15 Like you saw here, this was on March 11th, just a
16 few weeks later, \$190,000 sent to China. Not to groceries,
17 China.

18 Count 27, there's another Bushra Wholesalers
19 related money laundering account. Abdiwahab Aftin, as you
20 heard, wired \$200,000 from Bushra Wholesalers to Capital
21 View Properties, the partnership he had with relatives in
22 Kenya to build this 12-story apartment building. And you
23 heard Abdiaziz Farah joined in on this scheme, this venture.

24 You see on there it says, "Additional information:
25 Supplies for Bushra Wholesalers." That is not what that was

1 for. That money was to buy into this Capital View
2 Properties in Nairobi and build a 12-story apartment
3 building. That is illegal because the funds used were
4 Federal Child Nutrition Program funds. They were the
5 proceeds of the fraud scheme. More than \$10,000 worth.

6 Count 40 is another Bushra Wholesalers account on
7 September 21st, 2021, from Empire Cuisine & Market for
8 groceries. And we just saw some of that money flowed to
9 Manmabuyu around this time and buying cars, not groceries.
10 Fraud. Making it look good. Making it harder for people
11 like Ms. Roase to track the money to see whether this was
12 legitimate or not.

13 More than \$10,000. The check was processed
14 outside the State of Minnesota, it affected interstate
15 commerce.

16 Count 28, Mohamed Ismail. As you heard, he used
17 \$197,000 in proceeds to pay off the mortgage on his house.
18 All done. No more mortgage payments. It's illegal because
19 it was fraud proceeds more than \$10,000. Affected
20 interstate commerce, as you heard from the witnesses.

21 Abdiaziz Farah, you heard also, did some real
22 estate shopping. Count 31 is a \$1 million check from Empire
23 Enterprises to Trademark Title Services to buy those two
24 lots on Prior Lake, side-by-side lots on Prior Lake. One
25 million dollars. All fraud proceeds. You saw the Empire

1 Enterprises account was all fraud money. The company was
2 created in April of 2021. All the money came in was fraud
3 money. This is how he used it.

4 Count 22, another one. March 15th, 2021, from
5 Empire Cuisine & Market to Johnson-Reiland Builders.
6 \$500,000 to build a custom home. The total was \$2.5 million
7 on top of the lot. There are the architect's renderings.
8 That money came from the proceeds of the fraud scheme, so
9 that's money laundering.

10 Count 26, another payment to Johnson-Reiland. The
11 Farah residence, \$250,000. Government Exhibit L-26. Again,
12 money came from the fraud scheme used to buy a house, build
13 a house.

14 Count 39, \$150,000 to Johnson-Reiland in September
15 of 2021 and there's one of the payments. The total
16 construction costs \$2.5 million on top of million dollar
17 lot.

18 Count 23, it's another payment to Trademark Title
19 for this residence of his in Savage, 15418 Hampshire Lane.
20 It's the one the agents searched during the scheme. Payment
21 from Empire Enterprises. The company funded wholly the
22 proceeds of this fraud scheme created to house that money,
23 to launder that money, to conceal it, and to spend it.

24 Count 42, Abdiaziz Farah, another one to Empire
25 Enterprises to Trademark Title for another property. This

1 is the property in Burnsville. It's hard to keep track of
2 them all, I get it. But again, from Empire Enterprises.
3 All fraud proceeds. The wire amount here, \$334,000.

4 Count 33. Abdiaziz Farah bought a Porsche.
5 \$29,000 check from Empire Cuisine & Market. A company that
6 received more than \$30 million in Federal Child Nutrition
7 proceed funds from the fraud scheme and he used more than
8 \$10,000 of it to buy a Porsche in July of 2021. That's
9 Count 33.

10 Count 37. Abdiaziz Farah, again. He bought
11 another car, a GMC truck, from the Lupient car dealership on
12 August 21st, 2021, for \$65,000. Again, more than \$10,000 in
13 fraud proceeds from Empire Cuisine & Market. That's money
14 laundering Count 37.

15 And then there's a number of money laundering
16 counts involving Capital View Properties, you'll not be
17 shocked to hear.

18 Count 24. Abdiaziz Farah and Abdimajid Nur,
19 Empire Enterprises, their company, wired \$204,000 to Capital
20 View Properties on May 4th, 2021, buying into that property,
21 that agreement.

22 Count 25. Another transfer from Empire
23 Enterprises to Capital View properties on May 11th, 2021.
24 Again, wire from Minnesota to Kenya. Passed through a
25 number of banks as you heard, correspondent banks and other

1 things, from Empire Enterprises. Federal Child Nutrition
2 Program funds. Fraud proceeds.

3 Counts 29, \$206,000 from Empire Enterprises to
4 Capital View Properties Limited in Nairobi. Again, to buy
5 into Capital View Properties to build a 12-story apartment
6 building in Nairobi, Kenya. The largest city in East
7 Africa. June 1st, 2021.

8 Count 34. Abdimajid Nur and his sister, Hayat,
9 paid \$11,000 to pay off a car loan to Wings Financial and
10 affected interstate commerce. As you heard, more than
11 \$10,000 in fraud proceeds, less than the others, still more
12 than 10,000. That's money laundering. You aren't allowed
13 to use stolen money to pay off your car.

14 Abdimajid Nur, on August 17th, bought a Dodge RAM
15 pickup truck. \$64,000 fraud proceeds. Nur Consulting, the
16 company that he created on April 5th, 2021, to receive the
17 consulting payments from these various entities for which he
18 created fake and fraudulent documents.

19 Count 38. You heard about Abdimajid Nur's trip to
20 Maldives. September 1st he used fraud proceeds to purchase
21 \$30,000 in jewelry from a jewelry store in Dubai in the
22 United Arab Emirates in the Middle East. Again, those are
23 fraud proceeds. More than \$10,000. Affected interstate
24 commerce. Wired from Minnesota to Dubai. That is illegal.
25 That is money laundering.

1 Count 41. Abdimajid Nur paid \$34,000 to Morrie's
2 Hyundai to buy another car. Many cars. Again, fraud
3 proceeds. Federal Child Nutrition proceeds. Illegal.

4 And then Mukhtar Shariff, Count 31. In addition
5 to being a kickback, it's against the law. It's a financial
6 transaction involving more than \$10,000 in fraud proceeds.
7 He purchased this cashier's check using Federal Child
8 Nutrition Program funds. The funds received from all these
9 different entities, ThinkTechAct, Empire Cuisine & Market,
10 Empire Enterprises, these other ones we heard about the last
11 couple of days. Used it to purchase a \$250,000 cashier's
12 check, which is money laundering even if it wasn't a
13 kickback. Of course it was.

14 You heard from the forensic accountant. There's
15 lots of, lots of transactions here. Those ones we just
16 talked about, those individual money laundering counts, you
17 heard from forensic accountant FBI Lacramioara Blackwell,
18 97 percent of the funds used to make those purchases
19 collectively were derived directly from Federal Child
20 Nutrition Program funds. They were derived from the fraud
21 scheme, essentially all of it, used to purchase cars, real
22 estate, jewelry, to pay a kickback in Minnesota, Kentucky,
23 Dubai, Nairobi.

24 All right. There's one more count, ladies and
25 gentlemen, and then I'll sit down.

1 False statement in a passport application. This
2 happened a few weeks ago. I'm going to remind you, the
3 government executed search warrants on January 20th, 2022,
4 as you're aware. They searched, among others, Abdiaziz
5 Farah's home, Mohamed Ismail's homes. They seized their
6 passports.

7 And so what did they do? They went to the
8 passport agency and they booked tickets abroad. Then they
9 went to the passport agency and they applied for new
10 passports. And they lied on their passport application,
11 which is illegal, and they claim -- they didn't say, hey,
12 the FBI seized my passport during a massive -- during a
13 search warrant executed in connection with a massive fraud
14 investigation. Nope. They said that they lost their
15 passports. Can I have a new one, please? I'd like to
16 travel abroad. To Nairobi, of all places, where they were
17 building a 12-story apartment building.

18 The elements here, "The defendants submitted a
19 passport application. Willfully and knowingly made a false
20 statement and acted with the intent to induce or secure the
21 issuance of a passport under the authority of the United
22 States, contrary to the laws and/or rules regulating the
23 issuance of passports."

24 Well here you heard Mohamed Ismail, he pled guilty
25 to his false passport case. Abdiaziz Farah's charged with

1 it here. There's the picture on January 20th of 2022 taken
2 by the agents. The passport in his car, along with an
3 envelope containing thousands of dollars in cash.

4 A couple months later, March 16th, he went to the
5 passport agency, applied for a new passport, and in
6 connection with that, submitted a statement regarding his
7 lost or stolen passport book or card. What did he say? "I
8 could not find it anywhere in my house." That was his
9 explanation for what happened to his passport. "Explain
10 where the loss or theft occurred. Unknown."

11 Now, it's highly unlikely, I'm going to suggest to
12 you, that he forgot that agents had searched his house on
13 January 20th, took his passport. As you heard, they left a
14 receipt with him that. Itemized the things they took, which
15 included tens of thousand dollars in cash, photos, documents
16 of wire transfers abroad, and his passport.

17 He knew what he was doing. He wanted to leave the
18 country and go to Nairobi where he had sent over \$1 million,
19 including a box of cash, as you saw, we didn't even talk
20 about that, because he was under investigation.

21 Ladies and gentlemen, it's almost hard to believe,
22 the defendants committed a crime of staggering proportions.
23 They took advantage of the COVID-19 pandemic to carry out a
24 massive fraud scheme, a scheme that stole money meant to
25 feed children. In all, they claim to have served more than

1 18 million meals and they claimed to be entitled to more
2 than \$49 million in Federal Child Nutrition Program funds,
3 in taxpayer funds. Money that they did not use to feed
4 kids. Money that they used to buy real estate, to buy cars,
5 and that they sent abroad. That they stashed abroad.

6 In short, they exploited the COVID-19 pandemic,
7 the greatest pandemic in 100 years, to enrich themselves.

8 Ladies and gentlemen, this case has been long and
9 the evidence has been overwhelming. We ask that you return
10 the only verdict that is consistent with all that evidence.
11 A verdict of guilty as to all counts and all defendants.
12 Thank you.

13 THE COURT: Thank you, counsel.

14 We'll take our morning break at this time. And
15 why don't we come back at 11:00. All rise for the jury.

16 (Jurors excused)

17 THE COURT: We'll be in recess until 11:00.

18 (Recess taken at 10:41 a.m.)

19 * * * * *

20 (11:03 a.m.)

21 **IN OPEN COURT**

22 THE COURT: You may all be seated. And, Mr.
23 Birrell, you may proceed.
24
25

CLOSING ARGUMENT

MR. ANDREW BIRRELL: If it please the Court, counsel, Members of the Jury, good morning.

As you learned earlier, my name's Andy Birrell and we've been working together now about four and a half or five weeks, and I think one of the things you may have noticed about me is that I like to give the jurors tools. Tools to analyze problems.

This is particularly important in this case because we've been working together here, like, five weeks. We've had 33 witnesses. There are umpteen number of exhibits. And so a lot of evidence to talk about to see whether there really is proof or just evidence.

I wanted to tell you one thing that just occurred to me when I was talking to my wife this morning. When somebody offers evidence and the lawyer says no objection, it does not mean that the lawyer agrees with the evidence. What it means is that the lawyer is saying that under the Rules of Evidence it's okay to talk about it. So I wanted to be clear that, you know, we're over here saying no objection, no objection. It doesn't mean we agree with it. It just means that we think that, in our judgment as lawyers, under the rules it's proper and that the Judge should go ahead and let the jury see it.

So in terms of tools. I want to begin this

1 morning by asking you to take a little imaginary car trip
2 with me. So let's do that.

3 So let's imagine that I'm driving in my car with
4 my wife and we're going to drive from Minneapolis to
5 Chicago. So we begin our drive and maybe a little bit past
6 Eau Claire my wife says, you know, I'm really worried about
7 whether we have enough gas in the car to get there. She
8 says, I'd like to look at the gas gauge. And I tell her,
9 no, don't look at the gas gauge. And I reach in my jacket
10 and I pull out my checkbook and I give it to her and I say,
11 This is my checkbook. It has all the checks I've written
12 for gas in the last nine months, so you can see how much
13 money I've spent on gasoline and then you'll know we have
14 plenty of gas.

15 So we drive further down the road and we get a
16 little past Toma, which is halfway to Madison, and we run
17 out of gas. And she says, We ran out of gas. I said, No we
18 didn't. Look at the checks. You can see that we have
19 bought enough gas that we didn't run out of gas. And while
20 we're sitting here on the side of the road, I'm going to
21 make you -- I'm going to take my computer out here and make
22 you a nice little pivot chart that shows you how much money
23 I spent on gas and why we could not possibly have run out of
24 gas. So, I want you to keep that in your mind and we'll
25 talk some more about that later.

1 So I have one thing I want to say at the beginning
2 in response to Mr. Thompson's remarks. This is not a case
3 about children. This is a case about whether the United
4 States of America has proved its case beyond a reasonable
5 doubt. That's what the case is about and that's what Her
6 Honor, Judge Brasel, is going to tell you.

7 So, what I'm going to do is I'm going to talk
8 first about the government's investigation in this case
9 because my job, in the first instance, is to examine law
10 enforcement conduct and to see what it is they have done and
11 whether that's the correct way to do it. And in a little
12 bit that's going to be your job too.

13 So let's go back to the first witness in the case,
14 Emily Honer. She was the person from MDE. She's the person
15 who came and gave a roadmap about how this case should be
16 investigated and handled.

17 Ms. Honer did not endorse the "follow the money."
18 She didn't care about money. She didn't care about how much
19 food costs. She cared about the quantity and the quality of
20 the food. Now, no one has ever contended and doesn't
21 contend now that there was a quality issue with Empire and
22 Abdiaziz.

23 There were meal requirements that Ms. Honer was
24 concerned about. In other words, what had to comprise of a
25 meal. Those were not discussed.

1 Invoices are avoided. Every time we bring up the
2 food the government brings up money, because that's the lens
3 with which they're looking at the case. And that's what I'm
4 going to talk to you about.

5 So, the first thing a person would do if they're
6 going to investigate a food case is they'd get a food
7 expert. No food expert. They'd get a food scientist. No
8 food scientist. They'd get a supply chain expert, because
9 this is all about supply chains. No supply chain expert.
10 They'd get a nutritionist. No nutritionist.

11 What they tried to do was use Ms. Roase to comment
12 about meals, but Ms. Roase is not a nutritionist. She's an
13 accountant.

14 And why did they not do these things? The reason
15 that they did not do these things is that they had decided
16 the numbers were too high. That's it. That's what they
17 decided.

18 Now, Ms. Honer explained to us that this was a
19 simple question. A question to inquire into to decide what
20 happened is a simple question. And the syllogism was this:

21 How many meals were billed for? What amount of
22 food was purchased? Take the amount of food purchased, put
23 it into my food calculator and that will tell you how many
24 meals. And those numbers should match. That's all they had
25 to do to correctly investigate this case or they could have

1 even not used my food calculator, they could have done it
2 manually, which was the what the guy from Sysco was talking
3 about, food math. That's how they could have done it.

4 People had concerns. That was the way to address
5 the concern. That was the only correct way to address this
6 concern, because the contracts that were at issue here are
7 about the delivery of meals. And you need to know how much
8 food was purchased, what is the calculation on the food, and
9 that's how we do things.

10 So, you know, for example, you can look at the
11 invoices and see that a bag of rice costs 10 bucks. There's
12 invoices in there that talk about a thousand bags of rice,
13 10,000 bucks. So a bag of rice costs 10 -- \$10. And the
14 bags of rice are 10 pounds. So, a serving -- a bag of rice
15 that has 10 pounds is 16 ounces. A serving size, you can
16 see from the meal charts that are in evidence, is one ounce.
17 And that means, if Empire spends \$10 to buy a bag of rice,
18 that's enough to fulfill the grain requirement for 160
19 meals, because it's a one-ounce serving, which means to
20 fulfill the grain requirement of the five-meal requirement
21 aspects costs Empire 6.25 cents. So that's sort of the
22 magnitude of the numbers we're talking about. And you could
23 do a similar, easy analysis for milk, for vegetables, and
24 for protein.

25 So what Honer wanted to do, she wanted to see the

1 documents. That's what she was about. She wanted to see
2 the documents. And so she was complaining to her people at
3 work and then there was this lawsuit. So the lawsuit was
4 about Feeding Our Future, Aimee Bock, suing MDE because
5 MDE's deciding they don't want to pay Feeding Our Future.
6 So there's this lawsuit over in Ramsey County District Court
7 and some judge tells them -- tells MDE, you got to pay.

8 So, that's when we have Ms. Honer speaking with
9 the FBI. So then we have next part -- next part of our
10 inquiry into the investigation is that we saw Special Agent
11 Kary come to testify, he was an the next witness. And he
12 was concerned he said because the numbers were too high, he
13 said. Now, how he knew that I have no idea. He's not a
14 food expert, I mean, whatever, but that's the -- that's his
15 confirmation bias he developed immediately.

16 And so he says to us that, you know, we first got
17 contacted and opened an investigation in April of 28th of
18 2021. That's what he told us. And so what came up was, in
19 other words, this 4 terabytes of information, terabytes is,
20 I don't even know what it is, it's so much.

21 So I'm cruising around the computer the night
22 before and I find this entry where Christine Twait, I
23 believe is how she says her name, had actually complained to
24 the FBI in February 26th of 2021 on this tip line and
25 complained that Feeding Our Future and the person of Aimee

1 Bock was doing things they shouldn't do in the program. So
2 that was two months before they were claiming that this
3 investigation was opened.

4 Couple things about that. I don't know why they
5 would say that and not tell you that. And that always
6 causes me concern and perhaps it causes you concern.

7 The reason why it would cause you concern is in
8 this particular case in the first instance, two things:

9 One is, it's clearly an attempt to conceal it from
10 you, because he said he knew about it. And I don't like the
11 government agents concealing things. And I don't like them
12 coming in and telling jurors things that aren't true that
13 they know aren't true. And the reason is that it undermines
14 my confidence, and perhaps yours, in the other things that
15 occur in the investigation. Because I don't -- I'm not --
16 you know, I'm not Superman, I can't catch them doing
17 everything. So there's that.

18 And the second thing is, it's two months earlier
19 in the investigation, which would have been a great time to
20 go out and, you know, try to find out what happened. But
21 that's not what they did.

22 Agent Kary told us he basically didn't do anything
23 until August or September of that year, which is problematic
24 because the opportunity to go out and get a lot of evidence
25 was being lost.

1 So, for example, there's no surveillance in the
2 case. They said there was, but there wasn't. They had one
3 of these people go out and take pictures three years later.
4 Took a picture of a -- I remember particularly he took a
5 picture of an apartment house this year, 2024, and he said
6 that he had taken the picture much earlier in the spring,
7 like maybe March. So I'm looking at the picture. You'll
8 see it, it's in evidence, you could look at it again. It's
9 just two huge oak trees full of leaves. The only oak trees
10 in the State of Minnesota ever full of leaves in March. I
11 mean, that's not when he took the picture. But the
12 picture's irrelevant. He took it three years later. It's
13 like going out to a car crash scene three years later and
14 taking a picture and then saying, you know, there wasn't any
15 broken glass on it, I don't know what happened.

16 But anyways, the other thing that happened was --
17 and the next thing that happened in this investigation that
18 is a concern that you should consider carefully is the way
19 that the evidence was obtained. And what I mean to say by
20 this is, you've got PIN, Partners in Nutrition, and Feeding
21 Our Future, and these are two what are described as warring
22 entities. I mean, these are the sponsors. These are the
23 \$100 million each in 2021 people taking money from MDE as
24 sponsors. And the investigation decided to treat them very
25 differently.

1 So what happened was they issued search warrants
2 to Feeding Our Future. And we talked about that for quite a
3 while, but the reason they issue a search warrant is so that
4 nothing happens to the documents. You can just go out and
5 take them. And that's what they did with Feeding Our
6 Future. That's not how they handled Partners in Nutrition
7 and that was a flaw in the investigation.

8 What they did, you heard, with Partners in
9 Nutrition was that they used grand jury subpoenas. And so
10 they sent the subpoena to Partners in Nutrition's lawyer and
11 the lawyer -- the first thing the lawyer did was told them,
12 nobody's talking to Kara Lomen. Nobody's talking to Kara
13 Lomen. We didn't see Kara Lomen, you know, I don't know,
14 Kara Lomen. Shut off that source of information.

15 Second thing is, they were allowed to provide
16 these information that Partners in Nutrition had over the
17 next ten months in five groups and Agent Kary said they
18 never even got all of the documents. So this was a flaw in
19 the investigation.

20 And the reason it would be important is that we
21 could have used this information to use it to calculate the
22 calculations that Ms. Honer have been trying to do all
23 along. I mean, what she wanted to see. Show me the
24 documents. Show me the documents. She's all about, I want
25 to see the documents. Because that would have allowed her

1 and MDE to figure out what was going on. And she and MDE
2 were in the business of running these programs and so they
3 would have known what to look for and what to do.

4 Instead, what happened was they got the bank
5 accounts and they went out to get some other information.
6 And like, for example, they went out and got Hadith Ahmed's
7 phone but they never examined it. Really? I mean, no
8 WhatsApp, no text, no location data, no nothing. The reason
9 that was important is that could have confirmed or disproved
10 the many other things that Hadith Ahmed said. And anybody
11 who's looking at this case is going to know that Hadith
12 Ahmed is an important person to hear from in the case and to
13 evaluate his testimony in every way possible.

14 But what happened was that sergeant -- or excuse,
15 me, Special Agent Kary told us he assumed guilt. That's how
16 he started his investigation. He assumed guilt.

17 Now, in the United States of America here in
18 court, you're going to get an instruction about this from
19 the Court, that everybody charged with a crime is presumed
20 innocent. Everybody. In every court in the United States.
21 This is one of the core, central, deeply-held beliefs we
22 have as Americans. Every kid knows that. Presumed
23 innocent.

24 Why is that important? It's important in court
25 because the government is the person who brings the charges.

1 The government has enormous resources. They have, you know,
2 officers to go out and do things, accountants, you know,
3 unlimited money. Five prosecutors. An enormous amount of
4 firepower to throw out any charge made against a citizen,
5 really anyone, but a citizen. And proving a negative is
6 catastrophically difficult. So that the law, the way we
7 handle things is we presume people to be innocent.

8 And that presumption of innocence by itself,
9 standing alone, without more is enough to find a person not
10 guilty of a crime. We don't have to do anything when we get
11 charged. We got to come. We could sit there. We don't
12 have to ask any questions. We don't have to make any
13 statements. We don't have to do anything. Now that's not
14 always the best way to handle a case but that's all we have
15 to do really is show up and listen to what the government
16 has to say, because we rely on the jury, we rely on the
17 jury. We rely on the jury to record the presumption of
18 innocence and we rely on the jury to make the government
19 prove its case beyond a reasonable doubt. If they can.
20 This is also something the Judge will tell you.

21 Proof beyond a reasonable doubt will be defined
22 for you, but in a nutshell, it's the highest amount of proof
23 that is ever required in any case anywhere.

24 So, in a civil law case where one person sues
25 another it's a preponderance of the evidence, so 51 percent.

1 In some special civil cases it's clear and convincing
2 evidence.

3 Proof beyond a reasonable doubt is way past that.
4 It's the amount of proof that a person would require before
5 they would hesitate to act in the most important affairs of
6 their life. That's what proof beyond a reasonable doubt is.

7 And in assessing the proof beyond a reasonable
8 doubt concept, what's going to happen eventually is that the
9 jurors will go back in a room and deliberate, which means
10 talk to each other. And in order to reach a verdict, all
11 the jurors have to agree on a verdict, whatever it is.

12 So before -- to understand the application as
13 principle, before anybody in America can be found guilty of
14 anything, every juror has to agree. Every one of the jurors
15 has to agree. There's no reason to doubt. There's no
16 reason I would hesitate to act on this proof in the most
17 important affairs of their life.

18 Likewise, to find a person not guilty, all the
19 jurors have to agree on that. The important thing to
20 understand about this is the law requires the jury to be
21 unanimous, but the law does not require jurors to agree
22 about the reason for doubt. So one person may doubt for one
23 reason, another person might doubt for a different reason.
24 That's fine. The law does not require all the jurors agree
25 on the reason for doubt.

1 So what we have here is a case where the
2 government folks decided not to apply the presumption of
3 innocence but to apply guilt. I'm assuming it's guilt
4 because these numbers seem too high. Okay? So what I'm
5 saying is the right way to figure this out was to do exactly
6 what Ms. Honer told them to do. Go get the documents. Find
7 out how much food it is. Calculate it either using my food
8 program or food math, however you want to do it, apply the
9 meal schedules and then I'll tell you. You don't have to
10 wonder about it. I'll tell you. You don't have to do all
11 these other things, it's a simple thing to do.

12 So they didn't do that. What they decided to do,
13 first of all, was a bunch of other things, like Pitzen --
14 Special Agent Pitzen, this is the guy that took the picture
15 of the fully blooming trees in March. His job, he said, was
16 to look at the phone pictures, the download of many
17 people's, but Abdi's phone. There were 6,200 videos on the
18 phone, he said. Thousands and thousands of pictures. Okay.

19 So what he does is he cherry-picks a couple of
20 pictures that support his theory, because he admitted, yeah,
21 the numbers were too high, I assume they're guilty. That's
22 not really an investigation. It's an accumulation of
23 evidence to support a preconceived thought. Sometimes
24 people call it confirmation bias, things like that.

25 Then he brought in what he called were

1 representative pictures. So he has a picture of some
2 oranges. One of them is rotting. This is his unbiased
3 representative sample.

4 Agent Pitzen said, Well, it is very suspicious
5 that there were pictures and videos. Very suspicious. And
6 then he said it would have been suspicious if there weren't
7 pictures and videos. So, I mean, what's a guy to do here?
8 It doesn't advance the truth-seeking process to have this
9 information.

10 And, you know, I felt, perhaps you did, that he
11 had a very cavalier attitude about looking at my client's
12 phone. Well, you know, I looked at enough of it, you know,
13 I looked at some of it. I mean, that's not like a fair
14 investigation. Everybody accused of a crime is entitled to
15 a fair, fair investigation.

16 So when we began, I told you one of the things
17 that I do in my work is I look at police investigations and
18 prosecutions and see how they're handled and whether they're
19 handled fairly and correctly. And that's going to be your
20 job pretty soon. So I'm asking you to keep this in your
21 mind when you think about these pictures and think about
22 what wasn't there.

23 You know, one of the things that Special Agent
24 Pitzen did was he had this thing where the clicker was too
25 fast. I mean, too fast? I mean, compared to what? He

1 doesn't know what's in the bags. He doesn't know what the
2 clicker is but he -- it was too fast. So he selected that
3 one. I don't think that advanced your understanding of what
4 happened, but I think it does advance the understanding of
5 the bias that he had.

6 Special Agent Pitzen talked about having -- that
7 they downloaded Abdi's phone. It was full of work e-mails.
8 He said someone looked at them. Pitzen said that. He
9 didn't. No one came to talk about them, you know.

10 He talked about using search terms to look at this
11 information he had, which, you know, you get this amazing
12 amount of information. Really the way to look at it is with
13 a search term. So put in "pallet", put in "milk", put in
14 "delivery", and it will tell you what's in there that has
15 that word in it. He didn't do any of that. He wasn't
16 trying to figure out what was really in there. He was
17 trying to cherry-pick some stuff to be consistent with his
18 preconceived idea this team had about what happened.

19 And in evaluating Special Agent Pitzen's
20 testimony, I'd also respectfully remind you, he's an IRS
21 special agent. Doesn't know what a W-9 is. I mean,
22 everybody knows what W-9s are. 1099. Doesn't know what
23 that is either. It's not -- I mean, I'm not using it to bag
24 on the guy, but that's what he said.

25 And that's an interesting part of the case

1 because, you notice Abdi is using tax forms. He's using
2 legal forms. He's doing lots of things and he's doing it
3 all above board.

4 I mean, one of the reoccurring themes, the
5 government says is he's on the board of TTA, which is
6 ThinkTechAct, which sometimes is apparently Mind Foundry.
7 They're making an enormous deal out of the fact that
8 Abdiaziz Farah is listed on the public Secretary of State
9 document as a board member of TTA. So let's talk about that
10 for a minute.

11 The government's whole case here is concealment.
12 They're claiming now that what's wrong is it's concealment.
13 I mean, first it was -- in the opening statement, the
14 prosecutor gets up and says, well, little, if any, food was
15 bought. You know, there might have been a pallet or two of
16 milk or a bag of rice here, but they only bought that food
17 to -- in case they were ever here in U.S. District Court
18 accused of a crime. They were going to say, oh, you know,
19 we bought this little bit of food, therefore, we couldn't
20 have been doing anything wrong. That's what they told you
21 their theory was in the opening statement. A couple of
22 pallets of milk and a couple of bags of rice. All right.
23 So at the time that statement was made they knew Abdi had
24 spent millions of dollars on food. They knew that.

25 So, circling back to this concealment theory.

1 They've got, oh, he's on ThinkTechAct Board. Must be
2 something wrong with that. What? What's wrong with it?
3 And if there was something wrong with it, why in the world
4 would they put that in Secretary of State documents that
5 anybody can go get off the internet. I mean, we could go
6 pick up that computer right there and get them right now.
7 That's not how you conceal things. If you're having some
8 sort of secret relationship with ThinkTechAct and Abdiaziz
9 Farah, you're certainly not going to list him as a board
10 member on a publicly filed document. That makes no sense.

11 The other thing is, you know, some of the
12 presentation of this evidence concerned me and, perhaps,
13 you. So let's start thinking about this.

14 One of the things they brought up was that Abdi
15 had cash in his truck. And I don't remember how much it
16 was, perhaps it was \$47,000, something like that, and he
17 took pictures of the cash. Because why? Because it's
18 really important. Why is that really important? There's no
19 claim here they're dealing in cash.

20 Then, so we'll take the next piece of information
21 we have. We have the agents go to search Empire Cuisine &
22 Market. And the agent testified about that. And kind of
23 interesting, the agent didn't remember how many doors there
24 were in the place. Seems like you'd remember that and you
25 would search, but what he did agree was that there was a

1 Hawala there. So the Hawala, we heard about with the
2 professors. So a Hawala is a way to move money around the
3 world. And typically it's used to move money to places
4 where there aren't really well-established banking areas,
5 but you can move it anywhere you want. And these are the
6 guys that get on the plane with suitcases full of cash, he
7 was talking about, so that the thing can be evened up.

8 So Abdi's got a Hawala at his business, which we
9 know because they admitted it. And so obviously he's got
10 this cash in the vehicle to take it to wherever he needs to
11 take it, presumably to the headquarters here in Minneapolis
12 that the professor talked about.

13 So a couple of things about this. One is the cash
14 piece, you know, it's sort of, they like to flash the cash
15 because it looks like something's wrong. There's nothing
16 wrong. Nobody's claiming there's cash moving around here.

17 But the really important thing to take away from
18 this, and I hope if you write anything down it's this, if he
19 wanted to move money around and money launder, that's how
20 you money launder. You run cash through a Hawala. He can
21 run cash anywhere you want to people anywhere in the world
22 and if you want to hide money, that's how you do it. This
23 is the reason the guys are flying around the world with
24 suitcases full of cash. That's not how these guys operated.

25 When they were moving money around, my guy moving

1 money around, he's using wire transfers and cashier's check
2 that he gets out of his own bank account. You go do a wire.
3 They told you, you got to walk in to do the wire. You got
4 to do it in person. You got to identify yourself. It comes
5 out of your account right now. That's not concealment.
6 That's operating completely above board.

7 And it becomes even more important when they have
8 this easy, other way to do things if they want to move money
9 around. You can move all the money you want to Kenya in
10 Hawala. Send it to, I don't know, Mike from Fred or
11 whoever, and then it sounds like what they do is there's
12 some number or something that the person on the other end
13 just picks it up.

14 So I think that it's worth carefully considering
15 that in terms of how Abdi was operating, he's operating
16 completely above board. You know, they've got incorporated
17 companies that he incorporates in his own name with
18 addresses and now they're saying, well, these are shell
19 companies. That's a sort of nonsensical term. I mean, look
20 at the company and see what it does. It does nothing. It's
21 a shell company. But if other things are occurring, it's a
22 company. And you can have a company, you can have all the
23 companies you want. If there weren't companies, they'd be
24 in here saying, oh, there's no companies. There should be
25 companies. You know, you're just giving it to people.

1 There ought to be companies.

2 But there are companies, and their companies are
3 not hidden companies. They're companies that have tax ID
4 numbers, for goodness sake. You want to invite inquiry by
5 the federal government, go apply for a tax ID number. Puts
6 you right on their map. That's what they did. They got tax
7 ID numbers and then they incorporated it openly with the
8 Secretary of State and then they worked with these
9 companies.

10 Later in the presentation they had people,
11 civilians, come in and -- random civilians. Three years
12 later they talked to some of them, you know, a week or two
13 before the trial and their basic pitch is there wasn't any
14 food. That's what they said. But we know there's food.
15 That's what's wrong with that method of indirect proof. We
16 know there's food. There's millions of dollars that Abdi
17 spent on food. They admitted it themselves.

18 So what they all got down to and why I asked agent
19 -- I don't know, Accountant Roase, Ms. Roase, not an agent,
20 but, What did she do? What was her job here? Her job was
21 to follow the money. Okay? This is going back to my car
22 ride.

23 So they didn't look at the gas gauge, which is the
24 documents that Emily Honer told them to look at, which would
25 have answered the question. And besides, you know, this is

1 back on February 6th, if MDE has concerns, why don't they
2 just go talk to these people? Why didn't they call Abdi up
3 and say, We have concerns. We have the right to look at all
4 your papers. We're going to be over at your office tomorrow
5 morning. They could have done that. But they didn't. And
6 there was some discussion why about it but I, for the life
7 of me, don't understand it.

8 So what Roase did was follow the money. Because
9 that's what she does. That's what they always do she says.
10 She doesn't know anything about the food program. She
11 didn't know -- she didn't even know the five food groups.
12 She didn't know how much a bag of rice costs. She didn't
13 know what a serving of rice was. It's not her job, she
14 says. Okay.

15 Now in terms of evaluating her work, her
16 testimony, one of the things I asked her was, well, you're
17 on the prosecution team, right? Right. So she's not --
18 she's not an expert, first. They did not bring one expert
19 in here, but she is most assuredly not an expert. She's an
20 accountant. She works for the FBI. She sits right over
21 there between an Assistant United States Attorney and the
22 case agent the whole time. She's on the team. Wants to
23 stay on the team. She even said that at night and on the
24 breaks she talked about her testimony with other people on
25 the team. I don't think that's right, maybe you don't

1 either. But it's certainly not a way to get the most
2 reliable information. And she wasn't here to provide
3 reliable information. She was here to advance the
4 prosecutor's theory of the case.

5 What she did was she said she followed the money
6 and she followed it in two ways.

7 One was with the CLiCS data and one was with the
8 bank account data.

9 So, CLiCS data. So remember the first time I ever
10 talked to you right here at this podium was my opening
11 statement and I talked to you about CLiCS. So CLiCS is the
12 communication system between the sponsor and MDE.

13 It's important to understand that and that's why I
14 spent so much time talking about it in the opening
15 statement. And by the way, everything I said to you in my
16 opening statement came out exactly as I said it would.

17 The CLiCS data is between the sponsor and MDE. As
18 to -- as to Abdi, my client, and the vendors, it's a black
19 box. And what I mean to say is -- and she admitted all of
20 this, Honer did. It's a black box, it means you can't see
21 anything. Abdi doesn't know what's going back and forth
22 between the sponsor and MDE.

23 So the sponsor's job is to make a contract with
24 the vendor. Contract says exactly what is to occur, what is
25 the deliverable and what is the compensation. So the

1 deliverable is meals. The compensation is reimbursement.
2 There were 113 or whatever waivers there were. The waivers
3 were put in place in response to the pandemic so that
4 private enterprise could get involved in this and deal with
5 the anticipated and what actually happened need for more
6 meals. Okay.

7 They were allowed to make a profit. Everybody
8 says that. There's no mechanism for calculating what the
9 profit is. There's no allowed amount. You can make as much
10 profit as you want. You can make no profit. You can end up
11 owing us money. What we want is this many meals, that the
12 sponsor is saying after it gets a site approval. We want
13 this many meals and here's how the meals have to be put
14 together.

15 I mean, they can call them groceries, but the fact
16 is those meals that they're calling groceries were entirely
17 compliant with the requirements of the program. They may
18 not like it, but that's the way it is and that's the way it
19 was.

20 So, there's this contract and then information
21 goes into the sponsor. So the sponsor's either PIN or
22 Feeding Our Future. Then they take their -- that
23 information and they send a bill to MDE. And then MDE pays
24 it or not or pays some of it, sends them the money, sends
25 the sponsor the money, and then the sponsor takes 10 percent

1 of the bill. So if the bill is, let's pick a big number,
2 \$500,000. That's the bill. MDE pays \$500,000. The sponsor
3 would take 10 to 15 percent, so say 10, \$50,000. That's
4 what the sponsor's getting. That's why the sponsors wanted
5 sites because they can make money. They were getting their
6 administrative fee.

7 This idea that the sponsor would not put bills on
8 the pile to be paid unless somebody bribed them is complete
9 and utter nonsense because the only way the sponsor is going
10 to get paid is if they submit a bill. And if they're
11 submitting the bills, \$100 million of bills, 10 percent is
12 10 million bucks. \$10,000 bribes there or payment or
13 whatever you want to call it, that's not a factor. That's
14 just not how this worked. They wanted those bills put in.
15 They wanted to submit them to MDE as soon as they could.

16 So, what would -- what happened here is that Ms.
17 Roase decided to follow the money. That doesn't tell you
18 anything about what you need to know because this is a
19 reimbursement program. So I get the food wherever I get it,
20 however I get it. I may write my own check. I may use a
21 credit card. I may persuade someone to lend me, you know,
22 credit, front it, whatever you want to call it. I do the
23 e-mails. I put in the bill. My deliverable's done.

24 When I get paid, reimbursed, the money is mine. I
25 can do whatever I want with it. I can go buy houses. I can

1 buy cars. I can buy whatever I want with it.

2 So following the money after it is paid does not
3 advance the understanding of what happened in the underlying
4 transaction. And that is what Ms. Honer was trying to tell
5 people. But no one listened.

6 What Roase did was used CLiCS. So what the CLiCS
7 data will tell her, we know now, CLiCS data will tell her
8 what is the communication between MDE and the sponsor.
9 That's what it tells her. Which, you know, Abdi knows
10 nothing about it because he can't see in there. I don't
11 know what -- and you don't either, you don't know what the
12 sponsor was sending to MDE. And you don't know what MDE was
13 sending the sponsor except the money. And that's the money
14 she's following. But she's following it at the wrong point.

15 So what happens is, she follows the money and
16 says, Well, they didn't buy food with it. Well, of course,
17 if you follow the money and they buy a car, you're not
18 buying food with it. They're not supposed to be buying food
19 with it. They're supposed to be getting the food before
20 they get the money. That's what's wrong in part with "they
21 follow the money" analysis.

22 So, what she did then was -- oh, my goodness, take
23 -- she takes -- she takes this money and makes pivot charts
24 with it and -- I'm going to try to compress this a little
25 bit. I tried to do this on cross but I'm going to try to do

1 it here in a different way.

2 Here's how you make the pivot chart. I go and
3 collect whatever data I want. In this case let's say I go
4 collect 300 bank accounts, put it in -- I entered it into my
5 computer software. Then I decide to take out 30 of the
6 accounts. I got that in my Excel spreadsheet now. Then
7 what I do is I make a pivot chart.

8 So what is a pivot chart? A pivot chart is a
9 chart that will -- that I select every single category and I
10 select what goes into it. So I'm making the categories and
11 I'm taking the data out of the Excel spreadsheet by my
12 choice about categories and putting it into my category
13 names. Okay.

14 What's wrong with that is it's not the least bit
15 of a scientific analysis. It doesn't tell you anything. It
16 tells me -- I decided to pick all these marbles and put them
17 in that basket. So what?

18 I mean, for example, we know that there's other
19 money that was spent on food. We know that there's other
20 money spent on running this Empire Cuisine & Market
21 business. We know, for example, if you look at the data, I
22 mean, there's all these charts in there, you can look at
23 them if you want. But take ANSI International, that's not
24 included in any of her calculations. Abdi spent a million
25 two on warehouse space and you have to keep these things

1 somewhere. I mean, to run a business like this has enormous
2 supply chain issues. You need trucks, which they admitted,
3 with gas, and drivers, labor, and warehouse space,
4 refrigerator trucks. I mean, they take -- for example, they
5 take -- these trucks that Abdi needed to have to run his
6 business that he bought out of Empire business and they
7 claim it's money laundering. He's buying a truck for the
8 business. How can that be money laundering? It's like
9 buying food would be money laundering. It just makes no
10 sense at all.

11 If you can, please look at M-13a, which is Empire
12 Cuisine & Market and recategorize those for yourself. And
13 you'll see he spent about 12 million bucks trying to run
14 this food delivery business.

15 If you look at M-13z, that will help you because
16 that's Empire Enterprises and that money is often to used to
17 run it too.

18 You can look at M-38, which is Empire Gas and
19 Grocery.

20 All of these show food expenses. They show
21 related business expenses. They show the expenses you would
22 expect to see for a massive food distribution service, which
23 there was.

24 But the way it's structured in her charts makes it
25 look like they're just, I don't know, money he took.

1 They're camouflaged. Please examine the M exhibits
2 carefully.

3 I'm getting a little -- we have many
4 representations about how long we're going to have here, so
5 I'm going to talk to you a little bit about a few things.

6 Hadith Ahmed is not a person who's worthy of
7 belief. We heard that they picked him, not us. No, they
8 picked him. They called him as a witness on behalf of the
9 United States. They called him to testify. They met with
10 him twelve times to help him testify. They hold the promise
11 of freedom over his head. He will say whatever he thinks he
12 should say or needs to say to get a break or whatever he
13 called it.

14 The government gets to decide whether he gets a
15 break from the Judge or not. If you look at Jury
16 Instruction 9, we have them, you don't, but you're going to
17 get them, the Court will tell you that you have heard
18 evidence that Hadith Ahmed hopes to receive a reduced
19 sentence on criminal charges pending against him in return
20 for cooperation with the prosecution. He entered into a
21 plea agreement with the prosecution that provides, among
22 other things, an agreement that the prosecution will
23 recommend a less severe sentence than the witness would have
24 faced if he had not cooperated.

25 This is the sentence. "The Court," the Court,

1 that's the Judge, "has no power to reduce his sentence for
2 substantial assistance unless the prosecution, acting
3 through the United States Attorney, files a motion for a
4 downward departure."

5 So, if they like what he says, he hopes they'll
6 file the motion. If they don't file the motion because they
7 don't like what he says, he gets nothing.

8 I'm going to -- I'm going to just sort of
9 highlight a few things for you here. I'd look at
10 Instruction 10 very carefully. That discusses the
11 credibility of an alleged accomplice.

12 I'd look at Jury Instruction Number 8. Discusses
13 the testimony under a grant of immunity or a plea bargain.
14 The most important sentence of that is that the fact that
15 the guy pleaded guilty is not evidence of Abdi's guilt. Not
16 evidence of Abdi's guilt.

17 So, briefly on the wire fraud conspiracy. We
18 maintain it's not fraud. Abdi was ever the entrepreneur,
19 like I told you in my opening statement. He was already
20 doing really well for himself and his family before this
21 program showed up. He put himself out there. He got into a
22 new business that was -- that would be tough under any
23 circumstances, but it's in the middle of a pandemic. He
24 worked hard in good faith. He did the best he could. He
25 spent millions and millions of dollars on food, trucks,

1 reefer trucks, delivery trucks, warehouses.

2 He got caught -- what happened really was he got
3 caught between two warring sponsors and an incompetent
4 government agency, MDE, that was supposed to be overlooking
5 this process and helping people do it right but did not.
6 That's what happened.

7 I want to talk to you a little bit about a couple
8 of these other charges too. And I think you understand my
9 basic thinking in the matter, but the bribery count against
10 Abdi that has to do with Hadith Ahmed is the strangest
11 bribery count anybody's ever written.

12 So what their theory is, is that Abdi gave him
13 10,000 bucks to put the invoices on top of the pile, which
14 we've already talked about is a silly contention anyways,
15 and then the guy who was -- he was bribing -- gave him
16 \$139,000 back. Look at the sheets. That's what they say
17 happened.

18 Hadith Ahmed, Mizal Consulting, it's right on one
19 of those pivot charts, gave Empire Enterprise, Abdi, 139,000
20 bucks. So I, you know, how does that work? It doesn't work
21 because it's stupid.

22 And the other alleged bribery count is some guy
23 named Julius Scarver. So what do you know about Julius
24 Scarver? Because we never saw Julius Scarver because he
25 never came in here. I don't know a damn thing about him.

1 Don't know what he looks like. Don't know what he has to
2 say. The only thing you know about him, apparently, he's
3 Kara Lomen's boyfriend which, you know, okay.

4 So what is it that Abdi was supposed to have done
5 with Julius Scarver? I have no idea. You don't either.
6 There's no testimony about it.

7 The money laundering counts. Well, let's talk
8 about it. There's two things here. One is the conspiracy
9 count, which is Instruction Number 26. And I hate to tell
10 you this, but on the top of page 50 -- there's like 80 pages
11 of jury instructions. On the top of page 50, the thing I
12 would draw your particular attention to is Element Number 4.

13 Element Number 4. So element means a piece of the
14 crime. So the way this works is lawyers and judges talk
15 about crimes as having pieces called "elements" and it's the
16 elements that have to be proved beyond a reasonable doubt.
17 Okay. That's how it works. They don't have to prove every
18 fact in the case. They have to prove all the elements
19 beyond a reasonable doubt.

20 So the element form on the top of page 50, I think
21 it's 50 because I have a draft, it's around there, the
22 element is concealment. So this conspiracy is -- this
23 alleged money laundering conspiracy is about concealment.
24 That's one of the essential elements. The government's
25 saying they did all this stuff to conceal these

1 transactions. And I've already talked to you about it, but
2 remember, first of all, there's an alternative way for him
3 to do this. He can run all the cash he wants in the world
4 through the Hawala, no one will ever know. Just alternative
5 way to do it.

6 Secondly, every transaction has got his name all
7 over it. His name, his passport number sometimes, ID at the
8 bank. There's no concealment here. There's no effort to
9 conceal it at all.

10 And the reason he's not trying to conceal it is he
11 doesn't think he's done anything wrong. He thinks he's
12 entitled to this money. He thinks he's earned it. So why
13 in the world would he conceal it? And he didn't.

14 Finally, I'll talk to you for a minute about this
15 passport application charge.

16 So the only evidence about this, such as it is, is
17 Blake Hostetter. He came in and he had a document he said
18 that some guy at the passport office said that Abdi showed
19 up and tried to get a passport. The guy in the -- no guy in
20 the passport office. You know, I don't know where they got
21 that. You don't either. It ain't proof beyond a reasonable
22 doubt.

23 There's no evidence he ever got a passport. The
24 agent said, my guy, Abdi never tried to go anywhere. Abdi
25 never tried to flee. And he did not. So it makes no sense.

1 So I've tried to give you the tools that I can
2 give you in an hour to analyze this case. I think when you
3 look at all the evidence in the case, the only fair verdict
4 is that the government has not proved any of these charges
5 beyond a reasonable doubt and the law requires a verdict of
6 not guilty. Thank you very much.

7 THE COURT: Thank you, counsel.

8 Mr. Cotter.

9 MR. COTTER: May I have just a moment?

10 THE COURT: Of course. Of course.

11 MR. COTTER: I'm a lone ranger here.

12 MR. GOETZ: Your Honor, permission to stand and
13 stretch just for --

14 THE COURT: Yes. Anybody else who wants to do
15 that can do that as well.

16 (Pause in proceeding)

17 THE COURT: All right. After that, I've been
18 requested just a brief comfort break, so five minutes and
19 come back and then we'll start. Okay?

20 MR. COTTER: Okay.

21 THE COURT: Thank you all.

22 All rise for the jury.

23 (Jurors excused)

24 (Recess taken at 12:15 p.m.)

25 * * * * *

1 (12:15 p.m.)

2 **IN OPEN COURT**

3 THE COURT: And Mr. Cotter, you may proceed.

4 **CLOSING ARGUMENT**

5 MR. COTTER: Thank you, Your Honor. Counsel, and
6 Members of the Jury.

7 It's been a long six weeks. I see someone shaking
8 his head in the corner.

9 COURT REPORTER: Could you speak up, counsel.

10 MR. COTTER: I'll speak into the microphone, I
11 apologize.

12 I got to tell you, no matter how many times I do
13 this, I'm still nervous. We're just humans up here trying
14 to do our best. I've gained a lot of respect for the people
15 here on the other side. Everyone's put in a lot of hard
16 work. I'm going to do my best to be concise but there's
17 been a lot here.

18 I'm not a PowerPoint person. My wife gave me
19 permission not to use one at all but then I decided to try
20 to use one. It's going to be very basic because I just want
21 to speak to you about what has happened over the last six
22 weeks.

23 But it starts with the government's burden of
24 proof. And it's not a small thing why we're bringing it up.
25 I think there was some bit of shock on people's faces maybe

1 when my client and others rested. But in our system, one of
2 the bedrock and fundamental principles is that it's the
3 government that must prove each and every element against
4 Mr. Ismail and every other person beyond a reasonable doubt.
5 Not by conjecture, not by fiat, not by proclamation but by
6 evidence that overcomes the highest burden that we have in
7 our law.

8 When I started this trial six weeks ago at the end
9 of my opening statement I mentioned something, a lesson I
10 learned from my father, who was an attorney. In one of the
11 lessons he gave me in analyzing a case was, be careful not
12 to paint with too broad of a brush and be very skeptical
13 when the other side does so.

14 And I submit to you now, six weeks later, that's
15 what has happened in this case is painting with a very, very
16 large brush. Why? Why? The reason why is because that
17 when you paint with a very broad brush you're able to paint
18 over some problems. Paint over some mishaps. Paint over
19 some inadequacies. And paint a lot of people and a lot of
20 things all with one big, broad brush. And that's what's
21 happened here in this case. So we have to pull it apart a
22 little bit.

23 It's hard to boil down six weeks of testimony,
24 1,300 exhibits, and you wouldn't want to know how much we
25 had to look at before this, into four bullet points. But I

1 tried to do that.

2 We'll talk about reasonable doubt at the end as it
3 applies to Mohamed Ismail. The reasonable doubt, some of
4 the big concepts, there was an enormous amount of regulatory
5 confusion and failed communication during the pandemic.

6 I have gained a great amount of respect for Mr.
7 Thompson. One of the things that I can agree with him on is
8 it was an unprecedented time. That things were shutting
9 down. That people's lives were upended. That there was
10 food scarcity. That people were losing their jobs. That we
11 had to do things differently than they always had been done
12 before and after. That how that was interpreted was being
13 interpreted on the fly. That how it was being communicated
14 was not always perfectly clear, perfectly understood in many
15 programs, but we'll focus on what we're here to talk about.

16 There was an incomplete and a delayed
17 investigation in this case. And why is that important?
18 Because in evaluating many of the witnesses that were
19 presented here juxtapose to how we actually should
20 investigate and prove up a case with evidence is critical to
21 a determination as to whether there's been a proof beyond a
22 reasonable doubt. And we'll talk about that.

23 There's been some misleading narratives presented
24 by the government. We'll talk about a few of those.

25 And finally, you heard this from my learned

1 colleague, Mr. Birrell, but there was an incomplete, and I
2 will tell you a choice, a choice, not to provide a clear and
3 fair financial analysis in this case. So we need to review
4 some of the testimony.

5 I don't put this up here because it's something to
6 be taken lightly. I put it up here because I just want it
7 to be real clear.

8 MDE, Emily Honer, was the first witness. And she
9 talked a lot about how things were supposed to be done and
10 she talked a lot about these programs. But we have to again
11 remember how they worked. Before isn't really relevant.
12 After the pandemic isn't really relevant. How things were
13 happening and moving on the fly during the pandemic is
14 what's relevant.

15 And it is the government's narrative that this was
16 a opportunity for nefarious people to take advantage. That
17 is their narrative. However, what we learned is during this
18 time schools were shut down, especially the first year, but,
19 again, intermittently and parents were off work. There was
20 a lot of food scarcity and there was a decision made to try
21 to open this up. It wasn't just going to be the traditional
22 school lunch program, which we'll talk little bit about how
23 different these programs are to some of the witnesses that
24 you heard from from the school districts.

25 What we did hear and what's clear from Emily

1 Honer's testimony is that multiple waivers were put into
2 place. And I have to go back and talk about those.

3 The communication structure was the USDA
4 communicating to the Minnesota Department of Education. The
5 Minnesota Department of Education was then to communicate to
6 sponsors. Sponsors were then to communicate with sites and
7 sites were to communicate with vendors. And these were
8 dense regulations and they were coming in and changing
9 rapidly.

10 Ms. Honer testified when I was cross-examining
11 her, that it was hard to keep up. 113 different waivers.
12 Why is that important? It will become important too on how
13 they were to be interpreted and whose job it was to make
14 sure that these regulatory rules were being followed.

15 And the reason I say that, because when we get to
16 some of these other aspects of failures in how certain rules
17 were followed, these were regulatory rules that were
18 changing and that were not being communicated in an
19 effective manner. And that has to be juxtaposed against
20 knowingly, intentionally, purposely deriving -- devising a
21 scheme from the get-go to defraud the government, which is
22 not what happened here. It is not what happened.

23 So, a failure to follow all of these regulatory
24 rules "To the T" the way that they had been set up to be
25 done up to the pandemic and during the pandemic when they

1 were not being communicated, when they were not being
2 effectively administered by those in charge of administering
3 them, when the government agency that had the function of
4 understanding them, making sure that the sponsors understood
5 them, then making sure that the people working under them
6 understood them, was a complete and utter breakdown and a
7 failure at each and every one of those levels. And now at
8 the bottom end, those that felt that they were able to do
9 what they were doing are being charged with crimes. Serious
10 crimes.

11 Noncongregate meal service. Area eligibility.
12 Mealtime flexibility. Parent/guardian pickup waiver.
13 Extension of the waiver to allow Summer Food Service
14 Program, which again, has some slightly different rules than
15 Child and Adult Care Food Program and what was required.

16 The Summer Food Program, for example, didn't
17 require that it -- there be a nonprofit aspect that's
18 running an after-school program. That's not how that one
19 worked. One of the waivers was extending the opportunity to
20 apply for serving food under that program.

21 And even the activity requirement of the CACFP.
22 Again, a big, broad brush, that was meant to be for
23 children. They're supposed to be a nonprofit that's
24 actually providing an after-school activity. That's not how
25 it worked during this time. Yes, in the ideal structure of

1 these rules, that's how it was to work and that's how it's
2 to work now. But during this time, those rules were
3 changed.

4 My client didn't change the rules. My client
5 didn't fully understand the rules. My client wasn't trained
6 in the rules. My client wasn't fully communicated on how he
7 was to apply the rules. My client is a first generation
8 immigrant who was running a market and cuisine, his dream,
9 in Shakopee before all this started. He didn't create what
10 was happening on the ground, but he's being held to account
11 for it.

12 So these -- idea that this was just meant for
13 children, there had to be a nonprofit with an after-school
14 activity, those rules were not fully applicable or they
15 certainly were rapidly changing to the point that MDE
16 couldn't even get their head around them. That's why there
17 was infighting.

18 You heard that Emily Honer's superiors didn't
19 agree with her and didn't support what she was doing. The
20 bosses. Her bosses. Why is that important? Because when
21 there was that much chaos about how you were to understand
22 these rules, how they were to be applied, and what you could
23 or could not do, there was complete chaos at MDE. There
24 certainly was chaos at these sponsors. My client didn't
25 fully understand and wasn't communicated with. And that's

1 not knowingly, purposefully, and intentionally trying to
2 devise a scheme to defraud.

3 Again, as my colleague mentioned, the FBI was
4 first put on notice of potential issues eleven months before
5 search warrants were conducted. Ten, at least nine if not
6 ten months, prior to when a case was opened.

7 And here's the critical piece. As Mr. Birrell
8 stated, two things happened. They met with Emily Honer and
9 she provided them the places -- people, places, and things
10 she was concerned about and some of the documentation needed
11 to investigate and who they would need to go to get the
12 documentation needed to actually investigate, and if
13 something wasn't being done properly, put a stop to it.
14 That didn't happen.

15 Instead, over the course of ten months, eleven
16 months, Ms. Roase was doing some accounting work on the back
17 end, getting subpoenas for bank records so they could follow
18 the money. But no one was going to the places. They were
19 on notice of where the issues potentially were. No one was
20 going there and saying, What do I see? They did -- I think
21 there was some passive comment that "We did some drive-bys."
22 Where did you drive by? What sites? What day? What time?
23 Who was it? Was there reports drafted about it? Did you
24 take any photographs? Did you talk to anybody? Did you
25 attempt to see if someone was leaving with a bag of food and

1 find out what this process was? Did you do anything? No.

2 Nothing. Then do it. That's embarrassing.

3 This is the Federal FBI. They have unlimited
4 resources. Instead, they traipse people in here two or
5 three years later who may not have even been at the location
6 at the right time at each one of these sites.

7 And by the way, there were 50. They only brought
8 in a few? A lot of those, you'll be able to see the charts,
9 where some of the ones that were ran for the shortest period
10 of time. Some of these other sites like Samaha, which I'll
11 get to in a little bit, was ran everything month through in
12 the whole thing. We didn't have a witness from them
13 testifying that no food was served or a little bit of food
14 was served or that no one was on site. And no one went out
15 to these places during this eleven-month period to see what
16 was going on. That's not investigation.

17 Any functional investigation would have had some
18 level of surveillance. And, again, at all different times.
19 Like the weekend.

20 You heard some testimony that a lot of this
21 happened on the weekend. Most of these people that came in
22 to testify weren't even there on the weekend. And on top --
23 I mean, Falon Wanless was one of the site individuals. She
24 was interviewed while this trial was happening and then had
25 the opportunity to review newspaper articles before she came

1 in and testified, which completely poisons the water. That
2 is not evidence that's credible and can be relied upon.

3 When the FBI, the Federal Bureau of Investigation,
4 had eleven months to actually do a fulsome and legitimate
5 investigation of the places -- time, place, purpose, event,
6 of these men who are on trial, my client, what he was doing,
7 what he wasn't doing, who was getting what, was it being
8 delivered.

9 "Did you conduct physical surveillance? A few
10 drive-bys." Could have. Didn't do it.

11 "Did you interview people at the actual
12 contemporaneous time where this was allegedly happening or
13 not happening?" Could have done it. Didn't do it.

14 "Did you collect surveillance cameras during a
15 time when they'd actually be worth something evidentiary and
16 we could see what was or wasn't happening at these site
17 locations?" Could have done it. Didn't do it. Or there
18 certainly isn't any evidence that was presented.

19 "Did you send any undercover customers or your own
20 agents to determine whether food was being distributed? How
21 much was being distributed? How it was being distributed?
22 Who was doing the determination as to what information was
23 being obtained from those that were obtaining it?" Could
24 have done it. Didn't do it. It's embarrassing. It's
25 embarrassing that they brought all these people in a month

1 or two before trial. They weren't even there always on the
2 days where it would have been relevant. Embarrassing.

3 We talked about Falon Wanless. They went
4 incessantly about Tot Park. The food didn't happen at Tot
5 Park. It was at Mary's Montessori, which was right nearby
6 there. And we also know that Bill Petracek, who was, again,
7 someone who was interviewed right before trial and clearly
8 was angry and had made up his mind that crimes had been
9 committed and nothing like this could have happened.

10 It didn't happen at Tot Park, and I'll talk about
11 that, or The Landing. And whether or not that rises to the
12 level of fraud or whether that rises to the level of a
13 regulatory rule violation, for which they have other civil
14 remedies to secure legal recourse from these men.

15 David Hamilton, Cedar Culture Center,
16 Cedar-Riverside. He didn't live anywhere near there. He
17 worked there but he wasn't there on the weekends when this
18 stuff was happening. His testimony is frankly irrelevant,
19 especially when it is juxtaposed against how you would
20 actually thoroughly, properly and expect the Federal Bureau
21 of Investigation to conduct themselves and present evidence
22 in a trial of this magnitude and importance.

23 Misleading. We brought in Bill Menozzi from the
24 Shakopee School District to talk about what the schools were
25 doing. There's a few ways how this can be misleading and

1 really not relevant to what's being determined here.

2 First of all, Mr. Menozzi was testifying primarily
3 about an entirely different program. The School Nutrition
4 Program, often called the "School Lunch Program", which has
5 now been codified into law since all of this, is not the
6 same program with the same rules, with the same
7 requirements, as the Summer Food Service Program or the
8 Child and Adult Care Program. Mr. Goetz had cross-examined
9 Mr. Menozzi on that factor. There it's apples to oranges
10 being compared here.

11 On top of that, and here's partially how we'd
12 know, essentially he talked about this happened in Shakopee,
13 where this all started with my client in where there was a
14 number of sites. That there was, during the summer, right
15 after the pandemic hit, when the kids had to go home,
16 through that summer and again all the way through the next
17 summer, an opportunity for kids to pick up lunches at the
18 schools. And they sent out a school bus with essentially
19 bags of unitized meals. Much the same way that you heard
20 that our clients would complete that process.

21 However, those meals, again different program,
22 different rules. The most kids that ever came were I think
23 5 or 600 at the high school. The typical attendance was
24 300. I think, I don't remember the exact number, it was
25 around 7,000 kids in that school district. That didn't

1 include kids one to five. And it didn't include private
2 school kids. It didn't include home-schooled kids. And
3 really it's not relevant, the school district, because these
4 were open sites. That was one of the waivers.

5 So let me give you an example. If you're a Somali
6 community and you have a mosque like the Samaha Mosque in
7 Shakopee, that mosque probably and does service Somali
8 children from multiple communities in the surrounding area.

9 So if families were going to the mosque to get
10 their food and they were getting much different food than
11 the SunButter sandwich, chips, and an apple, like Mr.
12 Menozzi testified to, that wouldn't be accounted for in his
13 testimony.

14 These were open sites. Kids could come from
15 multiple areas. And frankly, his testimony supports it
16 doesn't in any way denigrate what was actually happening.

17 In addition to that, children certainly or
18 families, because the parents would be the ones that went to
19 pick up food, there'd be nothing stopping someone from
20 getting a SunButter sandwich at 11 and going and getting a
21 meal at the mosque when you went to Islamic school, for
22 example, for your children, and later on getting bags full
23 of hardy food. Again, this isn't about whether rules were
24 violated on exactly how it was supposed to be done. This is
25 about whether it happened at all and whether it was fraud.

1 Let's make no mistake about that.

2 So some of this is misleading when you start
3 talking about school district numbers versus what really
4 happened here.

5 There was also, even in the closing argument we
6 kept hearing about number of children served. This was not
7 a program reimbursed on number of children. It was
8 reimbursed on number of meals.

9 So any time we bring up the word "children" that
10 can, without doing all the math perfectly properly, which
11 didn't happen here, wasn't 18 million children. Even up to
12 the closing argument, that's been misleading. That's been
13 misleading throughout this entire case.

14 Meals. And meals included a snack even. So
15 breakfast, lunch, snack, supper. We don't convict people
16 based upon conjecture, fiat, and misleading information.

17 Another misleading contention or at least
18 implication that has been made is that all of the child
19 nutrition money was to be spent on food and on children.
20 That's not even how it works right now or at any point in
21 time. You know and you heard, there's vendors that are
22 involved in this program even now. They've been to day
23 cares and schools.

24 So the idea that every single dollar that was paid
25 by MDE was dollar for dollar to be spent on food for

1 children is misleading and not true. It's simply not true.
2 The way our system works is now -- and it's happened more
3 and more, is we subcontract. There's a business or a school
4 or a governmental entity and there's usually many layers.
5 Each layer having a role in how a product gets from a
6 manufacturing plant to the mouth of a child or to the
7 individual who is receiving it. There's many, many steps in
8 that process. And it's built in even without -- well, it's
9 built in that there's profit. That's what incentivizes
10 people to get involved and actually deliver the product.
11 And their incentive is to have the highest margin, we all
12 know what a margin is, as they can. That's not fraud.
13 That's misleading you to imply that.

14 Only a couple of things about Hadith Ahmed,
15 because Mr. Ismail is not charged in any bribery count but
16 his stain is all over this trial.

17 Hadith Ahmed is not a credible person and -- I
18 mean, I can't get this out of my head. You know, he was
19 very -- because he was so versed in how well he had been
20 practiced on what he was supposed to say in the twelve
21 meetings prior to testifying but when it came to the
22 cross-examination his head went down like [indicating].
23 He'd look up at you like this [indicating]. You know, he
24 had just got done testifying for quite some time about all
25 the fraud he had been committing, all the lies he had

1 engaged in, and now he was a reformed man because he wanted
2 to get a lesser prison sentence.

3 When I simply said, You were pretty well-versed in
4 lying. "That's a lie." He wasn't credible. But what's
5 more important about his testimony is it makes no sense,
6 like Mr. Birrell said. This idea that getting a VIP
7 treatment and having your claims processed faster is somehow
8 a kickback is ridiculous.

9 More importantly, generalized statements, like was
10 just put up in the closing statement, should be treated with
11 skepticism. He was the supervisor of site supervisors. But
12 all he did was say, We didn't go out to any sites. We
13 didn't look at anything. What specifics were provided?
14 What sites did he not go out to? When did he not go out
15 there? Who did he not talk to? What forms did he not talk
16 look at? Who did he specifically inform they shouldn't look
17 at them? What other information other than him essentially
18 stating everything was fraud. There was a bank. And
19 everybody should just believe me that all kinds of fraud was
20 happening. Again, that's not evidence. It's not credible
21 and it's not evidence.

22 Agent Pitzen didn't have much to do with Mohamed
23 Ismail at all. I will point out, you know, he -- we spent
24 two days essentially having texting -- WhatsApp messages
25 read back and forth to us and we heard Birrell more times

1 than I'll ever want to hear again in my life. I'm sure Mr.
2 Thompson doesn't ever want to say it again. But what he
3 didn't do was fully present a complete picture of all of the
4 e-mails, as was stated by Mr. Birrell, and it was clear that
5 somebody might have done that, but we don't know who and it
6 certainly wasn't presented in this courtroom, the work
7 e-mails. The ones that actually talked about the menus and
8 the meal counts and what was supposed to be going on here,
9 as opposed to spending the whole time following the money in
10 the WhatsApp, which is how are we spending our money?
11 That's the entire government's case here. They're
12 presenting one side of the coin, which we'll bring that home
13 when we get to Ms. Roase and her analysis.

14 It should be notable that multiple devices were
15 seized from my client's house. They had an opportunity to
16 review for any messages anything that might be relevant in
17 this case.

18 The one piece of testimony that is most relevant
19 to Mr. Ismail is that Agent Pitzen said the vast majority of
20 the communications involving him related to the day-to-day
21 operation of the cuisine and market in Shakopee, which is
22 exactly what I told you in my opening was primarily what he
23 was doing. Not all. Not disavowing his involvement in any
24 way, but primarily he was running the market and cuisine.

25 And that's supported by the fact that when looking

1 at his electronics, which is essentially all the evidence
2 that that's what the communications were involving him.

3 An incomplete and unfair financial analysis. Ms.
4 Roase wasn't testifying as an expert witness but she gave a
5 number of opinions.

6 The one that the government wants you to accept as
7 gospel is there wasn't enough food purchased to support the
8 reimbursement claims made.

9 Ladies and gentlemen of the jury, that was a
10 statement. In fact, it was a statement made with an
11 attitude at certain times. That wasn't evidence. She
12 didn't testify as an expert witness. She hadn't written a
13 report. She hadn't laid foundation for that statement.
14 It's not evidence. It should not be even considered as such
15 and here's why it's so important.

16 Essentially what's happened here is the government
17 showed you one side of the ledger. I'm horrible. I had to
18 remember running -- I literally dropped out of stats at the
19 U of M. I'm not good at that stuff. But what I do know is
20 there's two sides, the inputs and the outputs. And how they
21 get categorized and how they're interpreted is critical in a
22 case like this. And when you do not -- what did not happen
23 here, as Mr. Birrell stated, you were not presented with
24 exactly mathematically the formula how many servings -- how
25 many servings that are subject to reimbursement were

1 purchased. Saying there's not enough and just showing you
2 the difference in the two numbers is not proof beyond a
3 reasonable doubt.

4 That ends this case. That should end this case
5 right there. They didn't do it. They chose not to do it.
6 They chose not to do it. She was on this witness stand.
7 She said, I think we've looked into that. Someone might
8 have looked into that. That is not fair. That is not
9 presenting you a clear picture. That's not presenting you
10 the whole picture. Whether it was 3 million, 5 million, 7
11 million, 1.5 million, they didn't show you -- there's a --
12 it's a reimbursement program. The federal government sets
13 the rate per item. You buy in bulk at wholesale. There's
14 math, basic math, as to how that equates into serving sizes.
15 And you can speculate, you can assume even, that this
16 doesn't make sense, 30 million to 3 or 40 million to 7, that
17 doesn't seem like that would add up. And that's all they
18 gave you. That's what the government gave you in this case.
19 It doesn't add up. That is not proof beyond a reasonable
20 doubt. That is not telling you the whole picture. That is
21 not fair. That is not how we do things.

22 And, yeah, I'm getting a little worked up. And
23 it's not our responsibility to prove it to you. It's theirs
24 and they didn't do it. And they chose not to do it or they
25 chose not to present it to you.

1 Not enough food. Little to no food. All they did
2 was follow the money and how it was spent. That's the red
3 meat. They threw you a bunch of red meat and said, Hey this
4 food was for kids and look at what these guys did with it.
5 And they want you to go gnaw on that red meat but they
6 didn't prove to you the other side of the ledger, period.
7 That should end this case.

8 P-11, that's Kara Lomen. She's not sitting in
9 here indited charged with anything. That's a missing link
10 in this case. She's the one that runs the black box as to
11 how claims are actually submitted and reimbursed. She's not
12 here. There was not sufficient evidence testified as to
13 whether she -- what was her specific role in actually
14 submitting these claims, reviewing them, sending them back
15 and saying, This doesn't make sense. You can't submit
16 these, Mr. Ismail. You're doing it wrong. I'm not going to
17 provide these to MDE for reimbursement. She's a missing
18 link. That should end this case.

19 I know I have to speed up. We all agreed one hour
20 to try to respect your time and it goes by fast.

21 Regulatory rule violations are not the fraud. How
22 they were interpreted, communicated, the importance of them
23 and certainly in hindsight looks real bad.

24 Mr. Ismail didn't personally deal with the
25 rosters. You didn't see him submitting e-mails with

1 rosters. Nevertheless, the rosters didn't even come into
2 effect until about a year into this thing. Before that,
3 they weren't -- at least January, so maybe it wasn't a full
4 year.

5 At the end of the day, that wasn't devising a
6 scheme or plan. They had already had a big operation going
7 for a long time and they had spent a ton of money and they
8 were doing things.

9 And with regard to the rosters, that's not the
10 fraud here. They're claiming these people didn't buy the
11 food, they didn't serve the food, and they didn't serve
12 anywhere near the amount of food. That's what the real
13 allegation is. Don't be fooled by the rosters.

14 Same with the site longitude/latitude. Yes, there
15 was a few of the locations like The Landing, Empire was
16 right up the road, for example. They haven't confirmed
17 because they never went out when they could have and
18 determined was the food being served outside of The Landing.

19 If you look at The Landing, that was another one
20 they spent a ton of time on, put maps on, brought two
21 witnesses in for. I think there's maybe three or four
22 months total where that was even one of the operating sites,
23 as opposed to some of these other locations that ran for the
24 entire time, like the mosques where a lot much larger claims
25 were made from.

1 So, again, whether they were not doing, you know,
2 Mary's Montessori versus Tot Park, whether they were doing
3 it at the exact locations, site, longitude/latitude, isn't
4 the fraud here. And Mr. Ismail didn't have anything to do
5 with the rosters as far as submitting them.

6 Ladies and gentlemen, I have to try to wrap up. I
7 have five minutes. And, you know, like the person before
8 me, I have some more sheets that I'm going to have to skip.

9 You heard about Mr. Ismail's story in the opening.
10 What we do know is he bought his house in 2014. He had a
11 mortgage. He was paying on it. They started a business,
12 Empire Gas and Grocery in 2018. That business was still one
13 of the operating businesses during this time. It wasn't a
14 shell company. It was his dream. He'd worked his butt off
15 for.

16 Empire Cuisine & Market was a second LLC set up.
17 It was an operating business. It wasn't something that was
18 just nonexistent. There was two sides to it. There's a
19 restaurant. There's a market. Okay.

20 We talked a bit about business practices. People
21 can set up multiple LLCs and the way small businesses often
22 do it is sometimes they'll even have a separate LLC for each
23 building or each parcel of land or certainly each division
24 of their business, like, for example, a restaurant versus
25 the market. That's how things are done.

1 If you're going to hide something, you don't even
2 register an LLC, you know, and these -- that's not how you
3 do things. You set up LLCs. You open bank accounts. You
4 get EIN numbers. You use W-9s. You use 1099s. All this
5 stuff that you've heard about in this case. That's trying
6 to run a legitimate business.

7 I didn't even get to the fact thing, but again
8 with Ms. Roase, we walked through some of the expenses for a
9 long period of time. Ryder trucks, rentals, in order to do
10 the transport until they could buy the trucks at Boyer. And
11 then they tried to come in here and mislead you that somehow
12 that was one of the money launderings, is that money that
13 you were using to reinvest in your operation was somehow
14 laundering that money.

15 With regard to the substantive counts against Mr.
16 Ismail, wire fraud, Count 2, was June 1st, 2022, an e-mail
17 was submitted. That was the first month of this. That was
18 before there was rosters being submitted. That was Samaha
19 Islamic Center, 300 meals. There's not one bit of evidence
20 that was presented here other than they applied for it and
21 they submitted the claims that those meals weren't served.

22 There wasn't any evidence that that first month
23 then that those meals weren't served, that they were
24 unreasonable. Samaha Islamic Center was right down the road
25 from Empire Cuisine & Market and my client was on that

1 communication. Those meals were served and it certainly
2 hasn't been proven otherwise.

3 Conspiracy to commit money laundering. This was
4 gone over briefly by my colleague. There wasn't shell
5 companies here, ladies and gentlemen. Shell companies are
6 when it's a shell that has no assets, has no functioning
7 purpose whatsoever.

8 Each one of the businesses that my client was
9 involved in, Empire Cuisine & Market, Empire Gas and
10 Grocery, and MZ Market had accounts. Had registrations with
11 the state. Had product. Had inventory. Had employees.
12 Money was being spent and money was being obtained. That's
13 not a shell company.

14 All of the lawyers came from my client's personal
15 account. To wire money, you must go to the bank and
16 actually present identification so that you can wire that
17 money. That's not concealing anything. That is not
18 concealment. Without concealment, there's no conspiracy.
19 Not guilty.

20 There's no straw purchasers. Ms. Lacramioara
21 couldn't indicate that there was any -- when specifically
22 asked, that she observed concealment. The one thing she
23 could bring up was this embarrassing Boyer truck thing,
24 which was simply reinvesting the money into the trucks to
25 deliver.

1 Lastly, there's two jury instructions that I'd ask
2 you to consider. Good faith and willful blindness. Two
3 important things that I'd ask you to consider.

4 One, good faith requires that they prove that
5 there was a criminal intent. It's a big, long instruction
6 but I'm going to boil it down to what I tell my
7 nine-year-old.

8 And secondly, and it kind of goes juxtapose to
9 that, you can't just turn a blind eye, that's willful
10 blindness but you also can't be convicted for knowingly
11 doing something if you acted recklessly, carelessly, by
12 mistake of question or fact. So even if what Mr. Ismail was
13 reckless or careless in your opinion, that is not in and of
14 itself enough.

15 I usually have a long spiel about reasonable doubt
16 but my time's coming short, so I'm gonna just going to say
17 this.

18 Folks, it's our most important decisions that you
19 make in your life. You've heard about lawsuits,
20 preponderance of the evidence. That could happen here.
21 Clawbacks. There's ways to seek remedies against what's
22 happened here that isn't criminal. The burden of proof is
23 higher, and for a reason. The most important decisions you
24 make, I'd submit to those and I'd ask you to consider the
25 ones you can't take back, because you can't take back this

one.

I'm going to end like this. I'm going to simply say, I think we got a laugh when I said I'm not an angry man. And you can see I'm not but I'm a passionate person. And I'm not pounding the table for no reason, it just wells up in me. And I'm passionate about this process.

I have an enormous amount of respect for everybody in this room. But each and every one of you, we all owe you a debt of gratitude for what you've done and are doing. I'd just ask that you exercise your duty fairly.

Thank you very much.

THE COURT: Thank you, counsel. At this time we'll take our lunch break and we'll come back at 2:05. All rise for the jury.

(Jurors excused)

(Court recessed at 1:04 p.m.)

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REPORTER'S CERTIFICATE

I certify the foregoing pages of typewritten material constitute a full, true and correct transcript of my original stenograph notes, as they purport to contain, of the proceedings reported by me at the time and place hereinbefore mentioned.

/s/Lynne M. Krenz

Lynne M. Krenz, RMR, CRR, CRC