TENNESSEE COMPTROLLER OF THE TREASURY

COMPTROLLER'S INVESTIGATIVE REPORT

Red Robins Academy of Learning

September 15, 2020

Justin P. Wilson
Comptroller of the Treasury

DIVISION OF INVESTIGATIONS

September 15, 2020

Commissioner Danielle Barnes
Department of Human Services
505 Deaderick Street
Nashville, TN 37243

Commissioner Barnes:

The Office of the Comptroller of the Treasury conducted an investigation of selected records of the Red Robins Academy of Learning, and the results are presented herein.

Copies of this report are being forwarded to Governor Bill Lee, the State Attorney General, the District Attorney General of the 30th Judicial District, the United States Attorney's Office for the Western District of Tennessee, certain state legislators, and various other interested parties. A copy of the report is available for public inspection in our Office and may be viewed at http://www.comptroller.tn.gov/ia/.

Sincerely,

Justin P. Wilson
Comptroller of the Treasury

JPW/MLC

INVESTIGATIVE REPORT

Red Robins Academy of Learning, Inc.

The Office of the Comptroller of the Treasury, in conjunction with the Memphis Police Department and Tennessee Department of Human Services, investigated allegations of malfeasance related to a Summer Food Service Program grant awarded to Red Robins Academy of Learning, Inc., (RRAL). The Comptroller's Office initiated the investigation after Comptroller auditors from the Division of State Audit reported questionable meal reporting practices related to the grant. The investigation was limited to selected records for the period May 1, 2018, through August 31, 2018. The results of the investigation were communicated with the Office of the District Attorney General of the 30th Judicial District, and the United States Attorney's Office for the Western District of Tennessee.

BACKGROUND

The Summer Food Service Program (SFSP) is funded by the U.S. Department of Agriculture and administered on the state level by the Tennessee Department of Human Services (DHS). The purpose of the SFSP is to provide free meals to children during summer months when meals are unavailable through school food programs. DHS contracts with sponsors (public and private non-profit organizations) who provide meals at approved feeding sites (playgrounds, camps, apartment complexes, etc.). Sponsors are responsible for the overall administration of the program, which includes ensuring the program at all levels (administration, meal preparation, meal service, etc.) complies with applicable federal and state guidelines. Using federal meal rates, DHS reimburses sponsors for the number of meals served to participating children. One of the SFSP requirements includes sponsor's onsite personnel taking an accurate count of meals served to children and documenting this number on the daily meal count forms. Sponsors then use these forms to calculate reimbursement requests to DHS.

In 2018, RRAL was a 501(c)(3) private non-profit SFSP sponsor located in Memphis, Tennessee. The sponsor was affiliated with a childcare center whose personnel and facilities the sponsor utilized during the 2018 SFSP participation period (May – August 2018). Robin Mayweather, RRAL Executive Director, provided administrative oversight and exercised management control over the SFSP operations, and she was responsible for the information RRAL submitted to DHS. During the 2018 SFSP, RRAL sponsored 18 feeding sites in the Memphis area and received $209,569.34 in federal

reimbursements. RRAL participated in SFSP from 2016 through 2018. As of 2020, RRAL is no longer a SFSP sponsor.

RESULTS OF INVESTIGATION

- **RRAL WRONGFULLY OBTAINED AT LEAST $19,539.74 IN FEDERAL FUNDS**

RRAL wrongfully obtained federal funds totaling at least $19,539.74 by falsifying numbers on daily meal count forms for reimbursement requests submitted to DHS. Due to questionable meal reporting practices noted during prior SFSP years and at the initiative of the Comptroller auditors and investigators, the Memphis Police Department (MPD) placed four motion activated surveillance cameras at three feeding sites that served meals during the 2018 summer food program. Video-surveillance allowed investigators to determine whether the reimbursement requests RRAL submitted to DHS were justified and reasonable. In addition to the video-surveillance, Comptroller auditors visited the three SFSP sites on multiple days and surveilled the sites and their surroundings from a distance. Investigators reviewed video-surveillance footage from July 2018 for the three sites listed below.

A. *RRAL falsely claimed $10,130.87 in federal reimbursements for 19 days of meal service at the Kimball Cabana site*
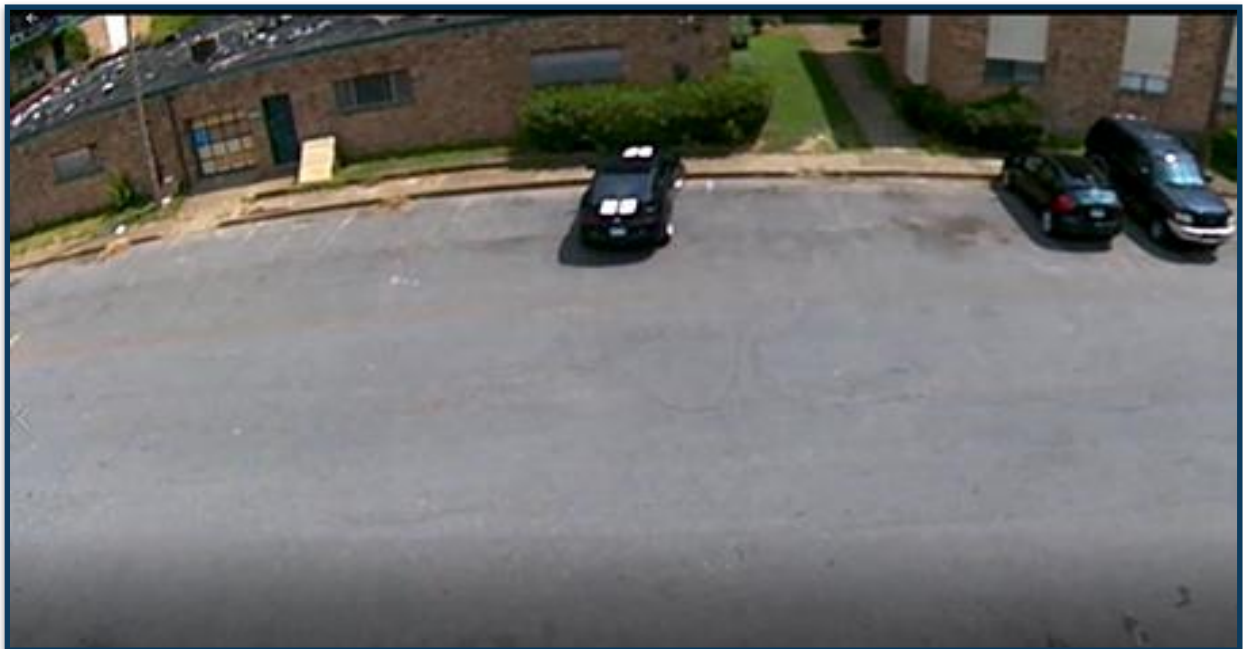
RRAL sponsored a SFSP site named Kimball Cabana located at an apartment complex off Kimball Avenue in Memphis. RRAL personnel claimed to have served 2,165 lunch meals and 1,762 snacks over a period of 19 days in July 2018 at this site. MPD set up two cameras at this site, and investigators obtained video footage for all 19 days. The first camera recorded the activities at the entry gate monitoring personnel and vehicles that entered and exited the apartment complex. The second camera recorded activities inside the apartment complex capturing the area where SFSP meal services allegedly took place. **(Refer to Exhibit 1 and 2.)**

Exhibit 1

Kimball Cabana camera 1

Exhibit 2

Kimball Cabana camera 2

RRAL completed the daily meal count forms for the Kimball Cabana site for each day they claimed to have served meals and snacks to support the reimbursement requests submitted to DHS. Investigators obtained the daily meal count forms and compared the numbers listed with the video-surveillance footage obtained from MPD. Investigators determined that RRAL did

not feed a single child at the Kimball Cabana site; therefore, RRAL falsely claimed $10,130.87 in federal reimbursements.

B. RRAL falsely claimed $2,654.32 in federal reimbursements for 14 days of meal service at the Greater Middle Baptist Church site

RRAL sponsored a SFSP site at the Greater Middle Baptist Church located off Knight Arnold Road in Memphis. RRAL personnel claimed to have served 547 lunch meals and 547 snacks over a period of 14 days in July 2018 at this site. MPD set up one camera at this site which recorded the area where the SFSP meal services allegedly took place. Investigators obtained video footage for the 14 days. RRAL completed the daily meal count forms for the Greater Middle Baptist Church site for each day they claimed to have served meals and snacks to support the reimbursement requests submitted to DHS. Investigators obtained the daily meal count forms and determined that RRAL photocopied some of the forms. The only information RRAL changed on the forms was the meal type. **(Refer to Exhibit 3.)**

Exhibit 3

Meal count forms for Greater Middle Baptist Church for July 9, 2018. The meal type circled in red is the only difference in these two forms.

Investigators compared the daily meal count forms with the video-surveillance footage obtained from MPD and determined that RRAL did not feed a single child at the Greater Middle Baptist Church site; therefore, RRAL falsely claimed $2,654.32 in federal reimbursements.

C. *RRAL falsely claimed $6,754.55 in federal reimbursements for 22 days of meal service at the Grow Memphis site*

RRAL sponsored a SFSP site named Grow Memphis located off Cromwell Avenue in Memphis. RRAL claimed to have served 2,911 lunch meals over a period of 29 days in July and August 2018 at this site. MPD set up a camera at this site which recorded the area where the SFSP meal services took place. Investigators obtained video footage for 22 of the 29 days. RRAL completed the daily meal count forms for the Grow Memphis site for each day they claimed to have served meals and snacks to support the reimbursement requests submitted to DHS. Investigators obtained the daily meal count forms and compared the numbers listed with the available video-surveillance footage obtained from MPD. Based upon this comparison, investigators determined that RRAL falsified at least 1,722 meals at this site, representing $6,754.55 in federal reimbursements.

The following table summarizes the falsely claimed federal reimbursements noted above.

	SFSP Site	Amount
A	Kimball Cabana	$ 10,130.87
B	Greater Middle Baptist Church	2,654.32
C	Grow Memphis	6,754.55
	Total	$19,539.74

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For more information related to the Department of Human Services' controls over Summer Food Service Program see Finding 2018-15, located at the following website:
https://comptroller.tn.gov/content/dam/cot/sa/advanced-search/disclaimer/2019/2018SingleAudit.pdf