

Ron Kresha
Representative
District 9B



Minnesota House of Representatives

November 2, 2022

The Honorable Keith Ellison
Attorney General, State of Minnesota
445 Minnesota Street, Suite 1400
St. Paul, Minnesota 55101

via electronic delivery: Keith.Ellison@state.mn.us

Dear General Ellison,

In reviewing hundreds of pages of documents and the overall public record, I have identified several steps the Executive Branch, including your office, could have taken to thwart the massive fraud related to the federal nutrition program primarily involving the non-profit Feeding Our Future. In a recent article by the Star Tribune, a similar conclusion was reached that your office could have done more.

The Star Tribune concluded if you had used your "investigative power to pull bank records, [you] could have found that the alleged conspirators paid at least \$524,579 in bribes and laundered \$3.2 million in program funds between July 2020 and March 2021."

This same article, however, has your Deputy Chief of Staff John Stiles pinning the blame for your lack of action on the failure of the Department of Education in not asking for an investigation into Feeding Our Future. Given the circumstances surrounding this scandal, it is likely you were aware of these concerns within the Department of Education.

- Do you concur with Mr. Stiles that your office failed to investigate Feeding Our Future due to the Minnesota Department of Education's failure to request such an investigation?
- Is it your position that your authority to conduct a civil investigation into allegations or suspicions of fraud is limited to only when requested by an outside entity like another state agency, board, or commission?

Additionally, Mr. Stiles argues that the lawyer for Feeding Our Future could have successfully blocked your efforts at obtaining records, even though Feeding Our Future signed a contract agreeing to provide financial records, and your authority in this area has been affirmed by the Minnesota Supreme Court.

- Do you concur with your staff's assessment that you lack the legal skills to effectively defend your statutory authority if challenged in court?

Finally, the article notes that your office was aware of alleged fraudulent activity by leaders of Feeding Our Future before the fraud scheme began in 2020. This suggests your office had information that would have been detrimental to Feeding Our Future, and useful in any proactive effort your office should have taken to stem this criminal conspiracy.

- Did your office share this information with the Department of Education so they could make an informed decision in approving Feeding Our Future as a federal nutrition program sponsor?

- What are the circumstances necessary for your office to act on the information of a whistleblower rather than simply passing them off to other state agencies?

The United States Attorney has described this scheme as one of the largest pandemic related fraud cases in the country. Yet, it is clear this scheme could have been thwarted much sooner if your office had taken these fraud concerns more seriously.

I look forward to your prompt attention and response to these questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron Kresha", with a large, stylized initial "R" and "K".

Ron Kresha
House Republican Lead, Education Finance Committee
Representative, District 9B