



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

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February 28, 2019

Jesse Worney, Chairman of the Board
New Beginnings International Ministry
6210 Linbar Drive, Suite 400
Nashville, Tennessee 37211-4621

Brandon Williams, Director
New Beginnings International Ministry
3670 Central Pike, Suite G
Hermitage, Tennessee 37076-3417

RE: Notice of Serious Deficiency for the Child and Adult Care Food Program (CACFP) Agreement Number 00-054

Dear Mr. Worney and Mr. Williams,

The Department of Human Services (DHS) - Division of Audit Services staff conducted an unannounced on-site monitoring review of the Child and Adult Care Food Program (CACFP) at New Beginnings International Ministry (Sponsor), Application Agreement number 00-054, on January 15, 2019. We requested from the Sponsor additional information. On January 16, 2019, the Sponsor provided the requested information. The purpose of this review was to determine if the Sponsor complied with the *Title 7 of the Code of Federal Regulations* (CFR) applicable parts, provider agreement, and applicable Federal and State regulations.

SERIOUS DEFICIENCY DETERMINATION

Based on the monitoring review, the Department has determined New Beginnings International Ministry is seriously deficient in its operation of the CACFP. In addition, the Department has Jesse Worney, Chairman of the Board, and Brandon Williams, Director, as responsible for the serious deficiencies in light of their responsibility for the overall management of New Beginnings International Ministry's CACFP.

If New Beginnings International Ministry does not fully and permanently correct all of the serious

deficiencies and submit documentation of the corrective action by the due date, the Department will:

- Propose to terminate New Beginnings International Ministry's agreement to participate in the CACFP;
- Propose to disqualify New Beginnings International Ministry from future CACFP participation; and
- Propose to disqualify Jesse Worney, Chairman of the Board, and Brandon Williams, Director, from future CACFP participation.

In addition, if New Beginnings International Ministry voluntarily terminates its CACFP agreement after receiving this letter, the Department will propose to disqualify New Beginnings International Ministry, Jesse Worney, Chairman of the Board, and Brandon Williams, Director, from future CACFP participation. If disqualified, New Beginnings International Ministry, Jesse Worney, Chairman of the Board, and Brandon Williams, Director, will be placed on the National Disqualified List (NDL). While on the NDL, New Beginnings International Ministry will not be able to participate in the CACFP as an institution or facility. Jesse Worney, Chairman of the Board, and Brandon Williams, Director, will not be able to serve as a principal in any institution or facility or as a day care home provider in the CACFP.

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

The authorization for this action is found in Paragraph 1.e. of your FY2016 CACFP Provider Agreement and in the CACFP regulations at 7 CFR § 226.6(c)(3). You may not appeal a finding of serious deficiency.

SERIOUS DEFICIENCIES, ADDITIONAL FINDINGS AND REQUIRED CORRECTIVE ACTION

The following paragraphs detail each serious deficiency and additional finding:

Based on our review of the Sponsor's records and information provided, the Sponsor had 21 feeding sites operating during the review period. The Hermitage Community Center (**Hermitage**), Hillsboro High School (**Hillsboro**), Jere Baxter Middle School (**Jere Baxter**), Kirk Patrick Community Center (**Kirk Patrick**), Pearl Cohn Entertainment Magnet High School (**Pearl Cohn**), and **Universal Gymnastics** were selected as the sample feeding sites for our review and meal service observation.

Background

CACFP Sponsors utilize meal count sheets to record the number of breakfast, lunch, supper, and supplement meals served. Meals served by participating Sponsors must meet the minimum guidelines set by the United States Department of Agriculture (USDA) and DHS to be eligible for reimbursement. The CACFP Sponsor reports the number of meals served through the DHS Tennessee Information Payment System (TIPS) for reimbursement.

We inspected meal counts sheets for our test period and reconciled the meals claimed to the meals reported as served for each meal service. We also assessed compliance with civil rights requirements. In addition, we observed meal services during the review period for the sample sites.

Our review of the Sponsor's records for November 2018 disclosed the following:

1. The Sponsor incorrectly reported meal counts

Condition

Hermitage – *sample site*

The claim for reimbursement for the test month for **Hermitage feeding site** showed 343 supper meals and 359 supplements served. However, based on our review of the available documents, we noted there were 337 supper meals and 342 supplements served, prior to any meal disallowances.

As a result, six (6) supper meals and 17 supplements claimed were overreported. (See Exhibit B)

Jere Baxter – *sample site*

The claim for reimbursement for the test month for **Jere Baxter Middle School feeding site** showed 535 supper meals and 535 supplements served. However, based on our review of the available documents, we noted there were 571 supper meals and 571 supplements served, prior to any meal disallowances.

As a result, 36 supper meals and 36 supplements claimed were underreported. (See Exhibit D)

Kirk Patrick – *sample site*

The claim for reimbursement for the test month for **Kirk Patrick Community Center feeding site** showed 541 supper meals and 541 supplements served. However, based on our review of the available documents, we noted there were 573 supper meals and 573 supplements served, prior to any meal disallowances.

As a result, 32 supper meals and 32 supplements claimed were underreported. (See Exhibit E)

Pearl Cohn Entertainment Magnet High School – *sample site*

The claim for reimbursement for the test month for **Pearl Cohn Entertainment Magnet High School feeding site** showed 2,153 supper meals and 2,153 supplements served. However, based on our review of available documents, we noted there were 2,184 supper meals and 2,184 supplements served, prior to any meal disallowances.

As a result, 31 supper meals and 31 supplements claimed were underreported. (See Exhibit F)

This is a repeat finding from a previous report dated May 7, 2018.

Criteria

Title 7 of the Code of Federal Regulations, Section 226.10(c) states, "... In submitting a Claim for Reimbursement, each institution shall certify that the claim is correct and that records are available to support that claim...."

Recommendation

The Sponsor should ensure that claims for reimbursement are completed correctly and based on accurate supporting documents.

2. The Sponsor provided menus that did not meet the USDA meal pattern requirements

Condition

Based on our review of the menus provided by the Sponsor for the test month, the Sponsor provided us menus that did not meet the USDA meal pattern requirements. The Sponsor provided one menu that was used to reconcile all meals for the sample sites during the review period.

The menus provided for November 12, 14 and 28, 2018 listed one half cup of pineapple juice served for supper and six ounces of fruit juice served for snack at all sites. In accordance with the revised USDA meal pattern requirements, pasteurized full-strength juice may only be used to meet the vegetable or fruit requirement at one meal, including snack, per day. Meals were disallowed at the sample sites as follows:

Sample Site	No. of Supplements	Exhibit
Hermitage	25	B
Hillsboro	22	C
Jere Baxter	83	D
Kirk Patrick	70	E
Pearl Cohn	162	F

As a result, 362 supplements served were disallowed.

Menus provided for **Universal Gymnastics** feeding site documented supplements were the only meal provided each day of operation during the review period. The menus listed grain components served; therefore, the grain component was required to be whole-grain rich in order for the meal to be creditable. The menus contained deficiencies as follows:

Menu: Fruit juice and animal crackers

The Sponsor did not provide a CN label or product formulation statement for the grain component identified as “animal crackers”. The label provided by the Sponsor listed ingredients: enriched flour, sugar, high fructose corn syrup, and soybean oil. The animal crackers were not whole-grain rich.

Date	Supplements
11/5/18	67
11/26/18	60

Menu: Fruit juice and cheese crackers

The Sponsor did not provide a CN label or product formulation statement for the grain component identified as “animal crackers”. The Sponsor provided labels for cheese crackers and Cheez It crackers. The label provided by the Sponsor for cheese crackers listed ingredients: enriched flour, cheese powder, dairy whey sugar leavening, corn syrup, salt, soy lecithin, and peanut oil. The label for Cheez It crackers listed: enriched flour, vegetable oi, and cheese. Neither type of cracker was whole-grain rich and supplements were disallowed as follow:

Date	Supplements
11/9/19	64
11/12/18	71
11/19/18	66
11/27/18	55

Menu: Fruit juice and gold fish

The Sponsor did not provide a CN label or product formulation statement for the grain component identified as “gold fish”. The label provided by the Sponsor listed ingredients: enriched wheat flour, cheddar cheese, and canola and/or sunflower oils. The gold fish crackers were not whole-grain rich.

Date	Menu	Supplements
11/16/18	Fruit juice and gold fish	68

Menu: Fruit juice and pretzels

The Sponsor did not provide a CN label, product formulation statement, or nutrition label for the grain component identified as “pretzels”. We were unable to determine whether the pretzels were whole-grain rich; therefore, pretzels were not determined to be creditable.

Date	Menu	Supplements
11/30/18	Fruit juice and pretzels	68

Menu: Fruit juice and veggie straws

The Sponsor did not provide a CN label or product formulation statement for the component identified as “veggie straws”. This component did not meet the USDA requirements of a vegetable and was assumed to be a grain based component. The label provided by the Sponsor listed ingredients: potato starch, potato flour, corn starch, tomato paste, spinach powder, salt, potassium chloride, sugar, beetroot powder [color], turmeric, canola oil and/or safflower oil and/or sunflower oil, sea salt. The veggie straws were not a creditable component and supplements were disallowed as follow:

Date	Supplements
11/7/18	64
11/13/18	69

As a result, 652 supplements served were disallowed. (See Exhibit G)

Note: The Sponsor did not provide a menu for the lunch claimed November 6, 2018, but stated the supper menu used for that day was the same. No meals were disallowed.

This is a repeat finding from a previous report dated May 7, 2018.

Criteria

Title 7 of the Code of Federal Regulations, Section 226.17a(l) states, "At-risk afterschool snacks must meet the meal pattern requirements for snacks in §226.20(b)(6) and/or (c)(4); at-risk afterschool meals must meet the meal pattern requirements for meals in §226.20(b)(6) and/or (c)(1), (c)(2), or (c)(3)."

Title 7 of the Code of Federal Regulations, Section 226.20(c)(3) states, "Serve two of the following five components: Fluid milk, meat and meat alternates, vegetables, fruits, and grains. Fruit juice, vegetable juice, and milk may comprise only one component of the snack..."

Title 7 of the Code of Federal Regulations, Section 226.20 (a)(3)(i) states, "... Fruit juice or vegetable juice may only be served at one meal, including snack, per day."

Title 7 of the Code of Federal Regulations, Section 226.20(a)(4)(i)(A) states, "At least one serving per

day, across all eating occasions of bread, cereals, and grains, must be whole grain-rich. Whole grain-rich foods contain at least 50 percent whole grains and the remaining grains in the food are enriched, and must meet the whole grain-rich criteria specified in FNS guidance.”

The USDA Crediting Foods in the Child and Adult Care Food Program, page 62, states, “... Because of the uncertainty of the actual amount of meat/meat alternate contained in these products, they should not be used unless (1) they are CN-labeled; or (2) you obtain a Product Formulation Statement signed by an official of the manufacturer (not a sales person) that shows how the crediting has been determined....”

Recommendation

The Sponsor should ensure menus meet the meal patterns established by the USDA and commercially prepared components are supported by a CN label or product formulation statement. The Sponsor should also ensure that the menus are available and provided to an authorized person upon request.

3. The Sponsor did not maintain daily attendance

This is a serious deficiency.

Condition

Based on our review of the Claim for Reimbursement for the test month, the Sponsor reported a total attendance of 5,458 participants for all sample sites. However, we found that the Sponsor did not document daily attendance. Meal counts were taken at the point of service during our observed meals, so we relied on daily meal counts as evidence of attendance for meals served. However, **if the Sponsor continued with not maintaining daily attendance records, the meals claimed for reimbursement may be disallowed.**

Criteria

Title 7 of the Code of Federal Regulations, Section 226.17a(o)(1) states, “ In addition to the other records required by this part, at-risk afterschool care centers must maintain: Daily attendance rosters, sign-in sheets or, with State agency approval, other methods which result in accurate recording of daily attendance. ...”

Recommendation

The Sponsor should ensure begin tracking daily attendance and ensure that all participants in attendance are counted for meals claimed for reimbursement.

4. The Sponsor served meals outside of the approved serving time

Condition

Hillsboro– sample site

During our unannounced on-site monitoring visit on November 14, 2018, at **Hillsboro High School**, we observed a supper meal service that was served outside of the TIPS approved time. The supplement and supper were both served at the TIPS approved supplement meal service time. The observed meal service was from 2:10 pm to 3:15pm, but the TIPS approved meal service time was 2:45 pm to 3:15 pm.

Jere Baxter– sample site

During our unannounced on-site monitoring visit on November 14, 2018, at **Jere Baxter Middle School**, we observed a supper meal service that was served outside of the TIPS approved time. The observed meal service was from 4:15 pm to 5:00 pm, but the TIPS approved meal service time was 4:30 pm to 5:00 pm.

Kirk Patrick– *sample site*

During our unannounced on-site monitoring visit on November 14, 2018, at **Kirk Patrick Community Center**, we observed a supper meal service that was served outside of the TIPS approved time. The supplement and supper were both served at the TIPS approved supplement meal service time. The observed meal service was from 3:30 pm to 4:00 pm, but the TIPS approved meal service time was 4:00 pm to 4:30 pm.

Pearl Cohn– *sample site*

During our unannounced on-site monitoring visit on November 14, 2018, at **Pearl Cohn Entertainment Magnet High School**, we observed a supper meal service that was served outside of the TIPS approved time. The supplement and supper were both served at the TIPS approved supplement meal service time. The observed meal service was from 2:20 pm to 4:00 pm, but the TIPS approved meal service time was 3:00 pm to 3:30 pm.

Universal Gymnastics – *sample site*

During our unannounced on-site monitoring visit on November 27, 2018, at **Universal Gymnastics**, we observed a supper meal service that was served outside of the TIPS approved time. The observed meal service was from 3:20 pm to 4:15 pm, but the TIPS approved meal service time was 3:30 pm to 4:15 pm.

Note: No meals were disallowed due to the observed meals being creditable and our observation of the meals were actually served.

This is a repeat finding from a previous report dated May 7, 2018.

Criteria

Title 7 of the Code of Federal Regulations, Section 226.17(b)(4) states, “Each child care center participating in the Program shall claim only the meal types specified in its approved application in accordance with the meal pattern requirements specified in §226.20”

Recommendation

The Sponsor should ensure that meals are served during the approved feeding site serving time.

5. The Sponsor did not have a menu posted at two feeding sites during an observed meal service

Condition

During our unannounced on-site monitoring visits at **Jere Baxter**, **Kirk Patrick**, and **Pearl Cohn** on November 14, 2018, we noted the menus were not posted.

Criteria

Food & Nutrition Service (FNS) 796-2, Rev. 4, states, "Menu records that identify the meal components served to participants must be maintained. Menu records must be updated to reflect changes to planned menus so that the menu records reflect the actual meal components and foods service to participants."

The USDA Monitoring Handbook for State Agencies, page 29, states, "Institutions must serve meals according to the posted menus and document substitutions...."

Recommendation

The Sponsor should ensure the menu is posted for each meal served at the feeding site and any substitutions are clearly marked on the menu.

6. The Sponsor did not have the "And Justice for All Poster" displayed

Condition

During our unannounced on-site monitoring visit at **Hillsboro** feeding site on November 14, 2018, we noted that the "And Justice for All" poster was not posted.

Criteria

Food & Nutrition Service (FNS) Instruction 113-1(LX)(B) states, "Each State agency, local agency, or other subrecipient serving the public must take the actions below to inform the general public, potentially eligible populations, community leaders, grassroots organizations, and referral sources about FNS programs and applicable CR requirements. 1) Prominently display the USDA nondiscrimination poster "And Justice for All," or an FNS approved substitute, except in family day care homes. If a State agency elects to produce its own posters, either due to unavailability from USDA/FNS or State agency preference, the reproduction must be approximately the same size as the applicable "And Justice for All" poster (11" width and 17" height)."

Recommendation

The Sponsor will ensure the posters are displayed in the center and are compliant with civil rights and CACFP regulations.

Technical Assistance Provided

Technical assistance was offered however it was declined by the Sponsor.

Disallowed Meals Cost

Based on the review, we determined that the Sponsor's noncompliance with the applicable Federal and State regulations that govern the CACFP resulted in a total disallowed cost of \$518.44.

Corrective Action

The Sponsor must complete the following actions within 30 days from the date of this report:

- Log into the Tennessee Information Payment System (TIPS) and revise the claim submitted for November 2018, which contains the verified claim data from the enclosed exhibits. **Please note**

that if the claim is revised TIPS will automatically deduct the overpayment from your next CACFP claim for reimbursement. **OR**

- If you are no longer participating in the CACFP program, remit a check payable to the *Tennessee Department of Human Services* in the amount noted in the report for recovery of the amounts disallowed in this report. **Please return the attached billing notice with your check;** and
- Prepare and submit a corrective action plan to address the deficiencies identified in this report. The corrective action plan template is attached. Please return the corrective action plan to:

AuditServices.CAPS.DHS@tn.gov

If you have questions relative to the corrective action plan please contact:

Allette Vayda, Director of Operations
Child and Adult Care Food Program
James K. Polk Building, 15th Floor
505 Deaderick Street
Nashville, Tennessee 37243
Allette.Vayda@tn.gov
(615) 313-3769

Please note that the amount of disallowed cost is subject to an interest charge. The interest charge will be waived if your revised claim is completed within 30 days from the date of this report. If the revised claim is not completed by the 30-day deadline, an interest charge may be billed to your institution. Please mail your check and the billing notice to:

Child and Adult Care Food Program
Fiscal Services
James K. Polk Building, 14th Floor,
505 Deaderick Street
Nashville, Tennessee 37243

In accordance with the federal regulation found at *7 CFR Part 226.6 (k)*, your institution may appeal the amount of disallowed cost identified in this monitoring report. The procedures for submitting an appeal are enclosed. The appeal must be submitted to:

Tennessee Department of Human Services
Appeals and Hearings Division, Clerk's Office
P.O. Box 198996
Nashville, TN 37219

If the Institution decides to appeal the amount of disallowed administrative and meals cost, all appeal procedures must be followed as failure to do so may result in the denial of your request for an appeal.

SUMMARY

The Department has determined that New Beginnings International Ministry is seriously deficient in its operation of the CACFP and that Jesse Worney, Chairman of the Board, and Brandon Williams, Director, are responsible for the serious deficiencies.

You may not appeal the serious deficiency determination itself. If the Department proposes to terminate New Beginnings International Ministry's CACFP agreement, or proposes to terminate New Beginnings

International Ministry and the responsible individuals, you will be able to appeal those actions and you will be advised of your appeal rights and the appeal procedures at that time.

New Beginnings International Ministry may continue to participate in the CACFP during the corrective action period. The Department will pay any valid claims for reimbursement submitted by New Beginnings International Ministry for the corrective action period. As always, you must submit claims within sixty (60) calendar days of the last day of the month covered by the claim. The Department will deny any portion of a claim we determine is invalid. If the Department denies payment of any portion of a claim submitted for the corrective action period, that action would be appealable.

If the Department does not receive the corrective action plan by the deadline date, or the Department determines that the corrective action plan does not provide for the full and permanent correction of the serious deficiencies and findings, the Department will propose to terminate the Institution's CACFP Provider Agreement and to disqualify you and the Institution from future CACFP participation by issuing a Notice of Proposed Termination and Disqualification.

We appreciate the assistance provided during this review. If you have any questions regarding this report, please contact Sean Baker, Audit Director 2, at 615-313-4727 or Sean.Baker@tn.gov.

Sincerely,



Allette Vayda
Director of Operations
Child and Adult Care Food Program

Exhibits

cc: Allette Vayda, Director of Operations, Child and Adult Care Food Programs
Debra Pasta, Program Manager, Child and Adult Care Food Programs
Elke Moore, Administrative Services Assistant 3, Child and Adult Care Food Program
Constance Moore, Program Specialist, Child and Adult Care Food Program
Marty Widner, Program Specialist, Child and Adult Care Food Program
Sam Alzoubi, Director of Audit Services
Comptroller of the Treasury, State of Tennessee

Exhibit A

Sponsor of At-Risk Afterschool Meals Program Data for the Sampled Sites

Sponsor: New Beginnings International Ministry
Review Month/Year: November, 2018
Total Reimbursement: \$156,344.57

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	19	19
Number of Sites	34	34
Total Attendance (Sample Sites)	5,458	0 ¹
Number of Lunches Served	38	38
Number of Supplements Served	34,717	33,785
Number of Suppers Served	35,153	35,246
Total Amount of Food Costs	XXXXXXXX	\$98,933.20
Total Amount of Eligible Food and Nonfood Costs	XXXXXXXX	\$166,029.51

¹ Sponsor did not maintain documentation of daily attendance

Exhibit B

At-Risk Afterschool Site Data

Site: Hermitage Community Center

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	19	20
Total Attendance	359	0 ¹
Number of Supplements Served	359	317
Number of Suppers Served	343	337

¹ Sponsor did not maintain documentation of daily attendance.

Exhibit C

At-Risk Afterschool Site Data

Site: Hillsboro High School

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	16	16
Total Attendance	664	0 ¹
Number of Supplements Served	664	642
Number of Suppers Served	664	664

¹ Sponsor did not maintain documentation of daily attendance.

Exhibit D

At-Risk Afterschool Site Data

Site: Jere Baxter Middle School

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	12	13
Total Attendance	535	0 ¹
Number of Supplements Served	535	488
Number of Suppers Served	535	571

¹ Sponsor did not maintain documentation of daily attendance.

Exhibit E

At-Risk Afterschool Site Data

Site: Kirk Patrick Community Center

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	17	18
Total Attendance	541	0 ¹
Number of Supplements Served	541	503
Number of Suppers Served	541	573

¹ Sponsor did not maintain documentation of daily attendance.

Exhibit F**At-Risk Afterschool Site Data****Site: Pearl Cohn Entertainment Magnet High School**

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	17	16
Total Attendance	2,153	0 ¹
Number of Supplements Served	2,153	2,022
Number of Suppers Served	2,153	2,184

¹ Sponsor did not maintain documentation of daily attendance.

Exhibit G**At-Risk Afterschool Site Data****Site: Universal Gymnastics**

Site Meal Service Reconciliation and Monitor Activity	Reported on Claim	Reconciled to Documentation
Total Days of CACFP Food Service	19	19
Total Attendance	1,206	0 ¹
Number of Lunches Served	38	38
Number of Supplements Served	1,206	554

¹ Sponsor did not maintain documentation of daily attendance.



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

JAMES K. POLK BUILDING
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BILL LEE
GOVERNOR

DANIELLE W. BARNES
COMMISSIONER

February 28, 2019

Jesse Worney, Chairman of the Board
New Beginnings International Ministry
3670 Central Pike Ste. G
Hermitage, Tennessee 37076-3417

Notice of payment due to findings disclosed in the monitoring report for Child and Adult Care Food Program (CACFP)

Institution Name:	New Beginnings International Ministry
Institution Address:	3670 Central Pike Suite G Hermitage, Tennessee 37076-3417
Agreement Numbers:	00-054
Amount Due:	\$518.44
Due Date:	March 28, 2019

Based on the monitoring report issued, by the Audit Services Division within the Tennessee Department of Human Services, the Community and Social Services- Food Programs- CACFP & SFSP management has agreed with the findings which require your institution to reimburse the Department of Human Services the disallowed cost noted in the report

Please remit a check or money order payable to the *Tennessee Department of Human Services* in the amount noted above by the due date to:

**Fiscal Services 16th Floor
James K. Polk Building
505 Deaderick Street
Nashville, Tennessee 37243
Tennessee Department of Human Services**

Please note that the disallowed meals cost / overpayment of the CACFP is subject to an interest charge. The interest charge will be waived if the payment is received by the due date. If payment is not received by the end of 5th day of the due date, an interest charge may be added to the original amount due and will be billed to your entity.

If you have any questions regarding this notice, please feel free to contact Allette Vayda, Director of Operations at (615) 313-3769 or Allette.Vayda@tn.gov.

Thank you for your attention

APPEAL PROCEDURES FOR CHILD AND ADULT CARE INSTITUTIONS AND SPONSORING AGENCIES

Appeal Procedures

1. Pursuant to 7 CFR §226.6(k)(4), the TN Department of Human Services (TDHS) must provide administrative review procedures to institutions and responsible principals and responsible individuals as follows:

- (a) Annually to all institutions;
- (b) To an institution and to each responsible principal and responsible individual when the State agency takes any action subject to an administrative review as described in 7 CFR §226.6(k)(2); and
- (c) Any other time upon request.

2. Pursuant to 7 CFR 226.6(k)(3) and (k)(9), some administrative actions are not subject to administrative review. Those actions are listed in paragraph 2.(a). Other administrative actions may be administratively appealed. Those actions are listed in paragraph 2.(b) and (c). All institutions and sponsoring agencies may appeal any adverse administrative action listed in paragraph 2.(b) which are taken by the TDHS by requesting a fair hearing to appear in person to refute the action, or by requesting a review of written information in lieu of a fair hearing.

(a) Pursuant to 7 CFR Part 226.6 (k)(3) TDHS is prohibited from offering administrative reviews of the following actions:

- (i) FNS decisions on claim deadline exceptions and requests for upward adjustments to a claim.
- (ii) Determination of serious deficiency.
- (iii) State agency determination that corrective action is inadequate.
- (iv) Disqualification and placement on State agency list and National disqualified list.
- (v) Termination.
- (vi) State agency or FNS decision regarding removal from the National disqualified list.
- (vii) State agency's refusal to consider an application submitted by an institution or facility on the National disqualified list.

(b) Pursuant to 7 CFR Part 226.6(k)(9), an abbreviated appeal process is available for the following actions. TDHS must limit the administrative review to a review of written submissions by the TDHS and institutions or sponsoring agencies concerning the accuracy of the State agency's determination if the application was denied, or the State agency proposes to terminate the institution's agreement because:

- (viii) The information submitted on the application was false;
- (ix) The institution, one of its sponsored facilities, or one of the principals of the institution or its facilities is on the national disqualified list;
- (x) The institution, one of its sponsored facilities, or one of the principals of the institution or its facilities is ineligible to participate in any other publicly funded program by reason of violation of the requirements of the program;

- (xi) The institution, one of its sponsored facilities, or one of the principals of the institution or its facilities has been convicted for any activity that indicates a lack of business integrity;

(c) Administrative review is also available if the State agency notifies the institution and responsible principal or responsible individual of the following actions: proposed disqualification of a responsible principal or responsible individual, denial of a budget, denial of a line item within a budget, downward adjustment of the amount approved in a budget, suspension of an institution's participation, denial of start-up or expansion funds, denial of a request for advanced payment, recovery of an advance in excess of a claim, denial of a claim for reimbursement (except for late submission), decision not to forward an exception request for payment of a late claim, overpayment demand, denial of a new or renewing institution's application for participation, denial of sponsored facility application, notice of proposed termination, claim denial, claim deadline exceptions and requests for upward adjustments to a claim, or any other action affecting an institutions participation or claim for payment.

3. All appeal requests must be presented in writing to the TDHS Division of Appeals and Hearings not later than 15 calendar days after the date the institution or sponsoring agency receives the notice of adverse administrative action.

4. The date of an institution's or sponsoring agency's receipt of a notice of suspension and/or proposed termination and disqualification will be governed by the federal regulation at 7 CFR Part 226.2. The notice must specify the action being proposed or taken and the basis for the action, and is considered to be received by the institution or day care home when it is delivered, sent by facsimile, or sent by email. If the notice is undeliverable, it is considered to be received by the institution, responsible principal or responsible individual, or day care home five days after being sent to the addressee's last known mailing address, facsimile number, or email address.

5. The TDHS Division of Appeals and Hearings will acknowledge the receipt of the appeal request within 10 calendar days of the receipt of the institution's or sponsoring agency's request for review. The written request for review should state if a fair hearing is requested or if a review of written information in lieu of a fair hearing is requested. If the appeal request from the institution or sponsoring agency does not specifically request a hearing, a review of written information in lieu of a hearing will occur. If a fair hearing is requested and the institution or sponsoring agency's representative fails to appear, the right to a personal appearance is waived.

6. If an institution or sponsoring agency does not request a fair hearing or a review of written information in lieu of the hearing within 15 calendar days from the date the institution or sponsoring agency receives a Notice of Proposed Termination, the TDHS will issue a letter advising the institution or sponsoring agency that it is terminated from the CACFP effective on the 16th calendar day following the institution's or sponsoring agency's receipt of the notice, and that the responsible principals and individuals of the institution or sponsoring agency are disqualified from participation.

7. To be considered for a fair hearing or for a review of written information in lieu of a fair

hearing, all written documents must be submitted to the TDHS Division of Appeals and Hearings not later than 30 days after receipt of the notice of adverse administrative action.

8. The action of the TDHS must remain in effect during the administrative review. The effect of this requirement on particular actions by TDHS is as follows:

(i) *Overpayment demand.* During the period of the administrative review, TDHS is prohibited from taking action to collect or offset the overpayment. However TDHS must assess interest beginning with the initial demand for remittance of the overpayment and continuing through the period of administrative review unless the administrative review official overturns the TDHS's action.

(ii) *Recovery of advances.* During the administrative review, TDHS must continue its efforts to recover advances in excess of the claim for reimbursement for the applicable period. The recovery may be through a demand for full repayment or an adjustment of subsequent payments.

(iii) *Program payments.* The availability of Program payments during an administrative review of the denial of a new institution's application, denial of a renewing institution's application, proposed termination of a participating institution's agreement, and suspension of an institution are addressed in paragraphs (c)(1)(iii)(D), (c)(2)(iii)(D), (c)(3)(iii)(D), (c)(5)(i)(D), and (c)(5)(ii)(E), respectively, of 7 CFR §226.6.

9. The institution or sponsoring agency must refute the charges contained in the notice during the fair hearing or in the written information that is provided in lieu of the hearing.

10. The institution and the responsible principals and responsible individuals may retain legal counsel, or may be represented by another person.

11. If a fair hearing is requested, the institution or sponsoring agency will be notified in writing of the time, date and place of the fair hearing at least 10 calendar days in advance.

12. Any information which supports an adverse administrative action taken by the TDHS shall be available to the institution or sponsoring agency for inspection from the date of the receipt of the request for a fair hearing or a review of written information in lieu of the hearing.

13. In accordance with 7 CFR Part 226.6 (k)(8), the TDHS Division of Appeals and Hearings must conduct the administrative review of the proposed disqualification of the responsible principals and responsible individuals as part of the administrative review of the application denial, proposed termination, and/or proposed disqualification of the institution with which the responsible principals or responsible individuals are associated. However, at the administrative review official's discretion, separate administrative reviews may be held if the institution does not request an administrative review or if either the institution or the responsible principal or responsible individual demonstrates that their interests conflict.

14. The procedures contained in the Uniform Administrative Procedures Act found at TCA 4-5-301 et seq. shall be followed in rendering a decision on all appeals. The decision of the hearing officer is the final administrative determination to be afforded to the institution or sponsoring agency, and shall be rendered in a timely manner not to exceed 60 calendar days from the date of the receipt of the request for a fair hearing.

15. The processing limits for administrative appeals MUST be met. In the event a continuance is requested by a party, one continuance may be granted at the Hearing Official's discretion. This

continuance shall not be for a period longer than ten (10) calendar days unless there are exceptional circumstances. Exceptional circumstances must be detailed in the order of continuance and the order must contain a date certain for the hearing, to be set as soon as possible. A report of pending CACFP desk review and fair hearing requests will be generated and reviewed daily by the Clerk's Office and the Legal Director for Appeals and Hearings who will monitor the dates for timeliness. In the event a decision has not been rendered within forty-five (45) calendar days of the date of receipt of the request for fair hearing or desk review, the Legal Director for Appeals and Hearings or their back-up shall notify the hearing official to take appropriate action.

16. All requests for a fair hearing or for a review of written information in lieu of a hearing must be submitted to:

**Tennessee Department of Human Services
Division of Appeals and Hearings
PO Box 198996, Clerk's Office
Nashville, TN 37219-8996
Fax: (615) 248-7013 or (866) 355-6136
E-mail: AppealsClerksOffice.DHS@tn.gov**

17. If a termination action is upheld by the hearing officer, the TDHS will issue a letter to the institution or sponsoring agency and its responsible principals and individuals advising that the termination and disqualification are effective on the date of the ruling issued by the hearing officer. The agency maintains searchable records of all administrative reviews and their dispositions for a period of five (5) years.

18. As required by 7 CFR Part 226.6 (c)(7), each disqualified institution, sponsoring agency, principal and individual will be placed on the National Disqualified List maintained by the U.S. Department of Agriculture (USDA). Once included on the National Disqualified List, an institution, sponsoring agency, principal and individual shall remain on the list until such time as the USDA, in consultation with the TDHS, determines that the serious deficiencies that led to their placement on the list have been corrected, or until seven years have elapsed since they were disqualified from participation. However, if the institution, sponsoring agency, principal or individual has failed to repay debts owed under the program, they will remain on the list until the debt has been paid.

**CORRECTIVE ACTION PLAN
CHILD AND ADULT CARE FOOD PROGRAM (CACFP)
TENNESSEE DEPARTMENT OF HUMAN SERVICES (TDHS)**

Instructions: Please print in ink or type the information to complete this document. Enter the date of birth for each Responsible Principal and/or Individual in Section B. Attach the additional documentation requested. Enter your Date of Birth on the first page; enter your name, title and date of signature on the last page. Sign your name in ink. **Please return ALL pages of the completed Corrective Action Plan form.**

Section A. Institution Information

Name of Institution New Beginnings International Ministry	CACFP Agreement No. 00-054
Mailing Address: 3670 Central Pike, Suite G Hermitage, Tennessee 37076	

Section B. Responsible Principal(s) and/or Individual(s)

Name and Title: Jesse Worney, Board Chair Brandon Williams, Director	Date of Birth (s):
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Section C. Dates of Issuance of Monitoring Report/Corrective Action Plan

SD Report: February 28, 2019	Corrective Action Plan: February 28, 2019
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Section D. Findings

<p>Findings:</p> <ol style="list-style-type: none"> 1. The Sponsor reported incorrect meal counts 2. The Sponsor provided menus that did not meet the USDA meal pattern requirements 3. The Sponsor did not maintain daily attendance 4. The Sponsor served meals outside of the approved serving time 5. The Sponsor did not have a menu posted at two feeding sites during an observed meal service 6. The Sponsor did not have the "And Justice for All Poster" displayed

The following measures will be completed within **5 business days** of my institution's receipt of this corrective action plan:

Measure No. 1: The Sponsor reported incorrect meal counts

The finding will be fully and permanently corrected.

Identify the name(s) and position title(s) of the employee(s) who will be responsible for ensuring that the finding is fully and permanently corrected:

Name: _____ Position Title: _____

Name: _____ Position Title: _____

Describe below the **step-by-step** procedures that will be implemented to correct the finding:

When will the procedures for addressing the finding be implemented? Provide a timeline below for implementing the procedures (i.e., will the procedures be done daily, weekly, monthly, or annually, and when will they begin?):

Where will the Corrective Action Plan documentation be retained? Please identify below:

How will new and current staff be informed of the new policies and procedures to address the finding (e.g., Handbook, training, etc.)? Please describe below:

Measure No. 2: The Sponsor provided menus that did not meet the USDA meal pattern requirements

The finding will be fully and permanently corrected.

Identify the name(s) and position title(s) of the employee(s) who will be responsible for ensuring that the finding is fully and permanently corrected:

Name: _____ Position Title: _____

Name: _____ Position Title: _____

Describe below the **step-by-step** procedures that will be implemented to correct the finding:

When will the procedures for addressing the finding be implemented? Provide a timeline below for implementing the procedures (i.e., will the procedures be done daily, weekly, monthly, or annually, and when will they begin?):

Where will the Corrective Action Plan documentation be retained? Please identify below:

How will new and current staff be informed of the new policies and procedures to address the finding (e.g., Handbook, training, etc.)? Please describe below:

Measure No. 3: The Sponsor did not maintain daily attendance

The finding will be fully and permanently corrected.

Identify the name(s) and position title(s) of the employee(s) who will be responsible for ensuring that the finding is fully and permanently corrected:

Name: _____ Position Title: _____

Name: _____ Position Title: _____

Describe below the **step-by-step** procedures that will be implemented to correct the finding:

When will the procedures for addressing the finding be implemented? Provide a timeline below for implementing the procedures (i.e., will the procedures be done daily, weekly, monthly, or annually, and when will they begin?):

Where will the Corrective Action Plan documentation be retained? Please identify below:

How will new and current staff be informed of the new policies and procedures to address the finding (e.g., Handbook, training, etc.)? Please describe below:

Measure No. 4: The Sponsor served meals outside of the approved serving time

The finding will be fully and permanently corrected.

Identify the name(s) and position title(s) of the employee(s) who will be responsible for ensuring that the finding is fully and permanently corrected:

Name: _____ Position Title: _____

Name: _____ Position Title: _____

Describe below the **step-by-step** procedures that will be implemented to correct the finding:

When will the procedures for addressing the finding be implemented? Provide a timeline below for implementing the procedures (i.e., will the procedures be done daily, weekly, monthly, or annually, and when will they begin?):

Where will the Corrective Action Plan documentation be retained? Please identify below:

How will new and current staff be informed of the new policies and procedures to address the finding (e.g., Handbook, training, etc.)? Please describe below:

Measure No. 5: The Sponsor did not have a menu posted at two feeding sites during an observed meal service

The finding will be fully and permanently corrected.

Identify the name(s) and position title(s) of the employee(s) who will be responsible for ensuring that the finding is fully and permanently corrected:

Name: _____ Position Title: _____

Name: _____ Position Title: _____

Describe below the **step-by-step** procedures that will be implemented to correct the finding:

When will the procedures for addressing the finding be implemented? Provide a timeline below for implementing the procedures (i.e., will the procedures be done daily, weekly, monthly, or annually, and when will they begin?):

Where will the Corrective Action Plan documentation be retained? Please identify below:

How will new and current staff be informed of the new policies and procedures to address the finding (e.g., Handbook, training, etc.)? Please describe below:

Measure No. 6: The Sponsor did not have the “And Justice for All Poster” displayed

The finding will be fully and permanently corrected.

Identify the name(s) and position title(s) of the employee(s) who will be responsible for ensuring that the finding is fully and permanently corrected:

Name: _____ Position Title: _____

Name: _____ Position Title: _____

Describe below the **step-by-step** procedures that will be implemented to correct the finding:

When will the procedures for addressing the finding be implemented? Provide a timeline below for implementing the procedures (i.e., will the procedures be done daily, weekly, monthly, or annually, and when will they begin?):

Where will the Corrective Action Plan documentation be retained? Please identify below:

How will new and current staff be informed of the new policies and procedures to address the finding (e.g., Handbook, training, etc.)? Please describe below:

I certify by my signature below that I am authorized by the institution to sign this document. As an authorized representative of the institution, I fully understand the corrective measures identified above and agree to fully implement these measures within the required time frame.

Printed Name of Authorized Institution Official

Position

Signature of Authorized Institution Official

Date

Signature of Authorized TDHS Official

Date