



**STATE OF TENNESSEE  
DEPARTMENT OF HUMAN SERVICES**

CITIZENS PLAZA BUILDING  
400 DEADERICK STREET  
NASHVILLE, TENNESSEE 37243-1403  
TELEPHONE: 615-313-4700 FAX: 615-741-4165  
TTY: 1-800-270-1349  
www.tn.gov/humanservices

**BILL HASLAM**  
GOVERNOR

**DANIELLE W. BARNES**  
COMMISSIONER

**CERTIFIED MAIL RECEIPT # 7017066000035705647**

March 16, 2018

Brenda Buckner, Owner  
Apple Brook Academy  
422 Hickory Top Road  
Cleveland, Tennessee 37311

**RE: Notice of Termination and Disqualification for the Child and Adult Care Food Program (CACFP) Agreement Number 00-153 and Demand for Overpayment.**

Dear Ms. Buckner:

This letter serves as notice that the Tennessee Department of Human Services ("Department") is terminating the Child and Adult Care Food Program ("CACFP") agreement with Apple Brook Academy, and Brenda Buckner, Owner (collectively, "Institution"). The grounds for this action are the Institution's failure to correct the serious deficiencies with the Institution's CACFP and the Institution's failure to return the over-payment money due to the Department. The authorization for this action is found in Paragraph 1.e. of your FY 2016 CACFP Provider Agreement and in the United States Department of Agriculture ("USDA") Food and Nutrition Service ("FNS") regulations at 7 C.F.R. § 226.6(c)(3).

The action in this letter is based on the Institution's failure to provide the over-payment money due to the Department and the Institution's failure to provide a Corrective Action Plan that meets the requirements contained on Page 4 of Memo Code CACFP 14-2012 dated May 1, 2012. On July 31, 2017, the Department of Human Services ("Department") sent you a Notice of Serious Deficiency. The notice outlined the following:

- Management did not maintain a financial system as required by CACFP Program policies
- Management did not maintain adequate records to compute the cost of labor allocable to the CACFP program
- An inventory of food and non-food items was not maintained
- The Sponsor did not have written procurement plan or code of standards procedures
- The receipts provided to verify food and non-food program expenditures were found to be invalid
- The Sponsor improperly classified the eligibility of CACFP participants
- The Sponsor reported incorrect meal counts

- The sponsor did not create and post in a conspicuous place an April menu as of the site visit conducted on April 18, 2017
- There was no separate menu for the infant enrolled
- The Sponsor did not provide evidence to support that enough milk for meals was served for the review period
- Menus did not meet USDA component requirements
- The Sponsor did not maintain daily meal count records
- The Sponsor did not provide documentation for annual CACFP training

This failure resulted in the Department determining that the Institution and the responsible individuals are seriously deficient in their operation of the CACFP and owe an over-payment to the Department in the amount of **\$2,518.78**, as set forth in the monitoring review.

Apple Brook Academy appealed the notice of Serious Deficiency on August 18, 2017. On October 12, 2017 the Initial Order from the appeal hearing was issued, upholding the Notice of Serious Deficiency and the Department in entirety.

The responsible individual was asked to complete corrective action. However, the Institution and responsible individuals failed to complete an adequate Corrective Action Plan (CAP). Accordingly, the Department determined that the Institution and the Owner have failed to fully and permanently correct the serious deficiency cited in the Serious Deficiency Notice.

As a result of the Institution's failure to submit an adequate Corrective Action Plan, a Notice of Proposed Termination and Disqualification was issued February 14, 2018. The Institution did not appeal the Notice of Proposed Termination. As a result, the Institution's CACFP Provider Agreement is formally terminated as of the date of this letter and Apple Brook Academy, and Brenda Buckner, Owner, are disqualified from future CACFP participation as required by the CACFP regulations at 7 C.F.R. § 226.6 (c)(3)(iii)(E).

Institutions and individuals remain on the NDL until USDA's Food and Nutrition Service, 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 NDL until the debt and any accrued interest is repaid. In accordance with 7 C.F.R. § 226.14(a), in part, the State agency must assess interest. For information about applied interest rates please visit the following website:

[http://www.fiscal.treasury.gov/fsreports/rpt/cvfr/historical\\_rates.htm](http://www.fiscal.treasury.gov/fsreports/rpt/cvfr/historical_rates.htm)

The authorization for this action is found in Paragraph 1.e. of your FY 2014 CACFP Provider Agreement and in the United States Department of Agriculture ("USDA") Food and Nutrition Service ("FNS") regulations at 7 C.F.R. § 226.6(c)(3).

If you have any questions, please feel free to contact Allette Vayda at (615) 313-3769.

Sincerely,



Allette Vayda  
Director, CACFP & SFSP



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Brenda Buckner, Owner  
Apple Brook Academy  
422 Hickory Top Road  
Cleveland, Tennessee 37311

**Notice of payment due to findings disclosed in the monitoring report dated July 31, 2017,  
for Child and Adult Care Food Program (CACFP).**

Institution Name:	Apple Brook Academy
Institution Address:	422 Hickory Top Road Cleveland, Tennessee 37311
Agreement Numbers:	034770709009
Amount Due:	\$2,518.78
Due Date:	August 31, 2017

Based on the monitoring report issued on July 31, 2017, 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 requires your institution to reimburse the Department of Human Services disallowed meals cost.

Please remit a check or money order payable to the *Tennessee Department of Human Services* in the amount of \$2,518.78 by the due date to:

**Fiscal Services 11<sup>th</sup> Floor  
Citizens Plaza Building  
400 Deaderick Street  
Nashville, Tennessee 37243-1403  
Tennessee Department of Human Services**

