



**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

August 28, 2018

CERTIFIED MAIL RECEIPT #70163010000073326449

Robert Hubbs, Owner
Rising Star Childcare II
420 West Cedar Street
Dyersburg, Tennessee 38024-5028

RE: Notice of Termination and Disqualification for the Child and Adult Care Food Program (CACFP) Agreement Number 00-474 and Demand for Overpayment.

Dear Mr. Hubbs,

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 Rising Star Childcare II and Robert Hubbs, 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 June 1, 2018, the Department of Human Services ("Department") sent you a Notice of Serious Deficiency. The notice outlined the following:

- The Sponsor reported the number of participants in the free and paid categories incorrectly
- The Sponsor reported the number of meals served incorrectly
- The Sponsor did not keep separate meal count documentation for each meal served
- The Sponsor reported incorrect participant days
- The number of meals claimed exceeded the number of validated participant days
- The Sponsor did not provide evidence that sufficient quantities of milk claimed for meals served were purchased
- The Sponsor did not maintain Child Nutrition labels for processed foods

- The Sponsor did not maintain written compensation policies
- The Sponsor did not provide time distribution reports for employees paid with CACFP funds who have additional duties outside of the program
- The Sponsor served grain based desserts
- The Sponsor served juice at more than one meal service per day
- The Sponsor served cereals which exceed the allowable sugar amount established by the USDA

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 **\$6,561.91**, as set forth in the monitoring review. Additionally, the Institution owes **\$4,865.00** from a previous Notice of Serious Deficiency issued on January 11, 2018. In total the institution owes **\$11,426.91**.

The responsible individual was asked to complete corrective action and return the overpayment. The Department did not receive a CAP that was sufficient to permanently correct the issues identified in the SD. Additionally, the Institution and responsible individuals failed to return the overpayment. 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 return the overpayment, a Notice of Proposed Termination and Disqualification was issued August 15, 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 Rising Star Childcare II, and Robert Hubbs, Owner are disqualified from future CACFP participation as required by the CACFP regulations at 7 C.F.R. § 226.6 (c)(3)(iii)(E).

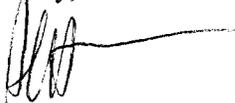
Institutions and individuals remain on the NDL until USDA's Food and Nutrition Service, in consultation with the Department, determines that the serious deficiencies have been corrected, or until seven years after their disqualification. However, if any debt relating to the serious deficiencies has not 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 beginning June 1, 2018. For information about applied interest rates please visit the following website:

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 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).

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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September 28, 2018

Robert Hubbs, Owner
Rising Star Childcare II
420 West Cedar Street
Dyersburg, Tennessee 38024-5028

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

Institution Name:	Rising Star Childcare II
Institution Address:	420 West Cedar Street, Dyersburg, Tennessee 38024-5028
Agreement Number:	00-474
Amount Due:	\$11,426.91
Due Date:	July 2, 2018

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 for disallowed meals cost.

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

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

Please note that the unallowed 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 the 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, Community and Social Services - Food Programs - CACFP & SFSP at (615) 313-3769 or Allette.Vayda@tn.gov.

Thank you for your attention

