



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

CITIZENS PLAZA BUILDING
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NASHVILLE, TENNESSEE 37243-1403

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BILL HASLAM
GOVERNOR

RAQUEL HATTER, MSW, Ed.D.
COMMISSIONER

Certified Mail - Return Receipt Requested # 70132250000220451132

September 4, 2015

Danielle Thomas, Owner
Rising Stars Academy
1215 Lakeview Drive
Franklin, Tennessee 37067

RE: Revised Notice of Termination and Disqualification of Child and Adult Care Food Program Agreement Number 03-47-70521-00-1

Dear Ms. Thomas:

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 Stars Academy and Danielle Thomas, 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 2013 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)(iii)(E).

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 October 1, 2014, the Department of Human Services ("Department") sent you a Notice of Serious Deficiency. The notice outlined the following: (1) CACFP applications on file had regulatory deficiencies; (2) the number of participants reported in the free and paid categories was incorrect; (3) incorrect meal counts reported; (4) all menus did not meet USDA meal pattern requirements; (5) infant menus were not maintained; (6) documented number of meals served exceeded verified attendance; (7) insufficient quantities of milk purchased; (8) meals were served outside the approved meal time; (9) menus did not have specific names of components; (10) all

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participants did not have a CACFP enrollment addendum form; (11) updated CACFP applications form was not utilized; (12) annual CACFP training was not documented and (13) required financial records to document labor costs was not maintained.

This failure resulted in the Department determining that the Institution and the Owner are seriously deficient in their operation of the CACFP. **The Institution has not submitted the over-payment of \$12,482. You were sent three mandatory billing notices on November 19, 2104, February 13, 2015, and on March 13, 2015. A 1% interest charge (\$124.82) per month has been added to the over-payment. To provide for the recovery of the over-payment, please remit a check payable to the Tennessee Department of Human Services in the amount of \$13,605.38.**

The Institution has not paid the over-payment identified in the monitoring report issued September 3, 2014. In addition, the responsible individual was asked to complete corrective action. However, the Institution and responsible individual has completed 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 the over-payment money due and an adequate Corrective Action Plan, a Notice of Proposed Termination and Disqualification was issued January 13, 2015. The Institution then submitted an adequate Corrective Action Plan (CAP), but did not submit the over-payment money. In addition, 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 Stars Academy and the 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 with the date stipulated in the State agency's demand letter, or 30 days after the date of the demand letter, whichever date is later." 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 2014 CACFP Provider Agreement and in the CACFP regulations at 7 C.F.R. § 226.6(c)(3)(iii)(C).

If you have any questions, please feel free to contact Mamawah Hill at (615) 313-5451.

Danielle Thomas, Owner
Rising Stars Academy
September 4, 2015

Sincerely,

Raquel Hatter (EN)

Raquel Hatter, MSW, Ed.D.
Commissioner
MH/ba