

UNITED STATES DISTRICT COURT  
for the  
District of Minnesota

UNITED STATES OF AMERICA

v.

MOHAMED JAMA ISMAIL

**FILED UNDER SEAL PURSUANT  
TO ORDER**

Case No. 22-MJ-328 (HB)


**CRIMINAL COMPLAINT**

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about March 22, 2022, in the State and District of Minnesota, defendant MOHAMED JAMA ISMAIL willfully and knowingly made a false statement in an application for a passport with intent to induce or secure the issuance of a passport, in violation of 18 U.S.C. § 1542.

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

SUBSCRIBED and SWORN before me  
by reliable electronic means (FaceTime/Zoom  
and email) pursuant to Fed. R. Crim. P. 41(d)(3). 

  
Complainant's signatureTravis Wilmer, Special Agent  
FBI

Printed name and title

Date: April 21, 2022  
Judge's SignatureCity and State: St. Paul, MNThe Honorable Hildy Bowbeer  
United States Magistrate Judge  
Printed Name and Title

STATE OF MINNESOTA        )  
                                      )       ss.     AFFIDAVIT OF TRAVIS WILMER  
COUNTY OF RAMSEY        )

Your affiant, Travis Wilmer, being duly sworn, does state the following is true and correct to the best of my knowledge and belief:

1.     I have been employed as a Special Agent with the Federal Bureau of Investigation (FBI) since November 8, 2021.

2.     As a Special Agent, my primary duties and responsibilities consist of conducting investigations of individuals and businesses for possible violations of federal laws. I am presently assigned to the FBI's Minneapolis, Minnesota field office where I am a member of the Civil Rights and Public Corruption Squad.

3.     During my employment as a Special Agent, I have conducted and participated in investigations of varying degrees involving mail fraud, wire fraud, fraud against the government, money laundering, and other criminal acts, including criminal schemes where individuals misappropriate money from the investing public.

4.     Based on my training and experience, and the training and experience of other agents involved in the investigation, I know that emails and financial transactions involving large national banks generally involve interstate wire communications that pass in interstate commerce.

5.     This affidavit is submitted for the limited purpose of establishing probable cause in support of issuing a complaint and arrest warrant for MOHAMED

JAMA ISMAIL for passport fraud, in violation of Title 18, United States Code, Section 1542.

6. This affidavit is based on my personal knowledge, interviews of witnesses, physical surveillance, information received from other law enforcement agents, my experience and training, and the experience of other agents. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of the requested complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that MOHAMED JAMA ISMAIL violated Title 18, United States Code, Section 1542.

**I. PROBABLE CAUSE**

**A. MOHAMED JAMA ISMAIL is a Target of a Federal Investigation of a Scheme to Misappropriate Millions of Dollars in Federal Child Nutrition Program Funds**

7. MOHAMED JAMA ISMAIL is one of the targets of the high-profile investigation into a massive scheme to fraudulently obtain and misappropriate millions of dollars in federal child nutrition program funds.

8. During the investigation, the government identified several companies located in and around Shakopee and Savage, Minnesota, that were receiving a suspiciously high amount of reimbursements under the Federal Child Nutrition Program. These companies—including ThinkTechAct Foundation, Empire Cuisine & Market LLC, and Empire Enterprises LLC—appear to be sharing funds and working together to carry out a scheme to fraudulently obtain and launder Federal Child Nutrition Program funds. Collectively, these companies received more than \$30



million in Federal Child Nutrition Program funds from approximately May 2020 to January 2022. As explained below, the investigation has shown that ISMAIL owned and controlled several of these companies and that he and other co-conspirators used them to fraudulently obtain, launder, and misappropriate millions of dollars in Federal Child Nutrition Program funds.

9. ThinkTechAct Foundation is one of the companies fraudulently receiving and misappropriating Federal Child Nutrition Program funds. According to records obtained from the Minnesota Department of Education, ThinkTechAct claimed to be serving meals to thousands of children a day at multiple distribution sites. For example, MDE records show that ThinkTechAct claimed to be providing meals to approximately 160,666 children a day at 10 locations in June 2021.

10. Based on these claims, ThinkTechAct received more than \$21 million in Federal Child Nutrition Program funds from February 2021 to January 2022. These Federal Child Nutrition Program funds represented more than 99 percent of the total funds deposited into ThinkTechAct's U.S. Bank account.

11. A review of bank records show that ThinkTechAct transferred more than \$12 million of these Federal Child Nutrition Program funds to Empire Cuisine & Market LLC, a small storefront restaurant and market located in a strip mall in Shakopee, Minnesota.

12. According to the Minnesota Secretary of State, ISMAIL and Individual A.F. formed Empire Cuisine & Market LLC on or about April 1, 2020.



13. Bank records show that ThinkTechAct sent more than \$12 million in Federal Child Nutrition Program funds to Empire Cuisine & Market LLC between approximately February 2021 and January 2022. The memo lines on the check indicated that the payments were for the purchase of food or meals to be served as part of the Federal Child Nutrition Program.

14. In addition to the \$12 million it received from ThinkTechAct, Empire Cuisine & Market also received more than \$12 million in Federal Child Nutrition Program funds directly from Partners in Quality Care and Feeding Our Future during this same period.

15. These funds, like the funds from ThinkTechAct, were ostensibly reimbursements for food and meals provided and served by Empire Cuisine & Market as part of the Federal Child Nutrition Program. But the investigation has shown that little of this money was used to provide food or serve meals. Instead, ISMAIL and his partner Individual A.F. misappropriated much of this money. They also sent money to an array of individuals involved in the scheme, including the CEO of ThinkTechAct (Individual M.I.). Many of these transactions involved shell companies that appear to have been set up to launder and conceal the proceeds of the fraud scheme.

Entity	Amount
Empire Enterprises LLC (Individual A.F.)	\$2,310,786
ISMAIL	\$2,214,089
Individual A.F.	\$1,177,964
Bushra Wholesaler (Individual S.F.)	\$1,081,854
MIB Holdings LLC (Individual M.I.)	\$915,300
BBI LLC	\$848,978

Individual S.F.	\$322,729
Individual M.I.	\$42,000
<b>Total</b>	<b>\$8,913,700</b>

16. Bank records show that ISMAIL received approximately \$2,214,089 in Federal Child Nutrition Program funds. This constituted approximately 24 percent of the funds paid out to the owners of the companies involved. During an interview with law enforcement on January 20, 2022, ISMAIL reported that he owned 20 percent of Empire Cuisine & Market LLC and that Individual A.F. owned the remaining 80 percent of the company.

17. For his part, ISMAIL's partner, Individual A.F., used millions of dollars in Federal Child Nutrition Program funds to purchase houses and other real estate, including: (a) approximately \$575,000 to purchase a single-family home in Savage, Minnesota, in or about April 2021; (b) approximately \$1 million to purchase two lots on Prior Lake in or about July 2021; (c) approximately \$1.5 million to build a custom home on Prior Lake in 2021; (d) approximately \$335,000 to purchase a townhouse in Burnsville, Minnesota, in or about October 2021; and (e) approximately \$1 million to purchase commercial real estate in Louisville, Kentucky in 2021.

18. Individual A.F. also purchased five cars using Federal Child Nutrition Program funds in 2021, including: (a) a 2021 Jeep Wrangler Unlimited for approximately \$79,000; (b) a 2021 Porsche Macan; (c) a 2021 GMC Sierra pickup Truck for \$65,000; (d) a 2021 Nissan Murano for approximately \$47,000; and (e) a 2022 Tesla Model Y for approximately \$80,000.



**B. ISMAIL and Individual A.F. Sent Approximately \$2 Million in Federal Child Nutrition Program Funds to Kenya and China in 2021**

19. During the search of Individual A.F's residence, agents recovered receipts for more than \$800,000 in international wire transfers to China from Empire Cuisine & Market and related entities. Bank records show that all of the money sent to China was traceable to Federal Child Nutrition Program funds.

Date	Source of Wire	Beneficiary Location	Amount
February 18, 2021	Empire Cuisine & Market LLC	Qingdao Safco Tire Co., Ltd Qingdao, China	\$131,632
March 1, 2021	Empire Cuisine & Market LLC	Prinx Chengshan (Shandon) Tire Co., Ltd. Rongchen City, China	\$80,000
March 31, 2021	Empire Cuisine & Market LLC	Prinx Chengshan (Shandon) Tire Co., Ltd. Rongchen City, China	\$189,787
May 6, 2021	Empire Enterprises LLC	Prinx Chengshan (Shandon) Tire Co., Ltd. Rongchen City, China	\$197,789
May 14, 2021	Empire Enterprises LLC	Junan Lishun Arts and Craft Co. Ltd. Shandong, China	\$227,582
		<b>Total</b>	<b>\$826,790</b>

20. Bank records show that additional international wire transfers were made from Empire Cuisine & Market to China that were unrelated to food purchases. On or around March 12, 2021, \$216,728 was wired from the Empire Cuisine & Market LLC account at Old National Bank to Jiangxi Enda Linen Co. Ltd. in Jiangxi, China. On or about March 23, 2021, another \$197,872 was wired from Empire Cuisine & Market LLC to Bright Element Limited in Hong Kong to "purchase diesel engines."



21. Bank records further show that ISMAIL wired more than \$400,000 to companies in China from his personal bank account using money obtained from the Federal Child Nutrition Program.

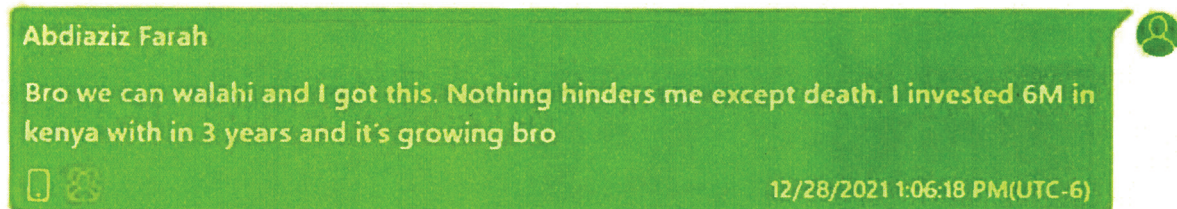
Date	Source of Wire	Beneficiary	Amount
March 4, 2021	ISMAIL	Jiangxi Enda Linen Co. Ltd.	\$199,785
June 29, 2021	ISMAIL	Jiangxi Enda Linen Co. Ltd.	\$100,000
August 12, 2021	ISMAIL	Guangzhou tc logistics co ltd	\$18,923
October 7, 2021	ISMAIL	Shangrao City Ziangde Enter M Ser (China)	\$100,000
		<b>Total</b>	<b>\$418,708</b>

22. Bank records show that more than \$700,000 in Federal Child Nutrition Program funds were wired from Empire Enterprises LLC to Nairobi, Kenya in 2021. The funds had previously been transferred to Empire Enterprises from Empire Cuisine & Market.

Date	Source of Wire	Beneficiary	Amount (approximate)
May 4, 2021	Empire Enterprises LLC	Capital View Properties Nairobi, Kenya	\$204,795
May 11, 2021	Empire Enterprises LLC	Capital View Properties Nairobi, Kenya	\$300,000
June 1, 2021	Empire Enterprises LLC	Capital View Properties Nairobi, Kenya	\$206,428
		<b>Total</b>	<b>\$711,223</b>

23. In addition to these transfers, Individual A.F. told a co-conspirator that he has invested \$6 million in Kenya over the past three years. During the search of Individual A.F.'s residence, agents recovered his cell phone. A search of his cell phone shows that Individual A.F. exchanged messages with Individual M.I. over the

WhatsApp messaging app. In a message sent on or about December 28, 2021, Individual A.F. told Individual M.I. that he had invested \$6 million in Kenya over the past three years.



**C. The Search of ISMAIL's Residence in Savage, Minnesota**

24. On or about January 20, 2022, the government executed federal search warrants at more than two dozen locations related to the scheme, including ISMAIL's home in Savage, Minnesota. That same day, the government seized more than \$6 million from accounts held by Empire Cuisine & Market, ISMAIL and Individual A.F., Empire Cuisine & Market, and related entities.

25. A few days later, the government filed a civil forfeiture complaint alleging that more than a dozen properties were subject to forfeiture because they were purchased using the proceeds of the fraud scheme. ISMAIL's residence in Savage, Minnesota, was one of the properties.

26. Following the search of his residence and business, ISMAIL retained an attorney to represent him in the investigation. On or about February 1, 2022, the U.S. Attorney's Office informed ISMAIL's attorney that ISMAIL was a target of the investigation and that he was likely going to be indicted for his role in the scheme.



**D. ISMAIL Owns Three Properties in Nairobi, Kenya, and his Wife and Children Live There**

27. ISMAIL spoke with FBI agents during the search of his house on January 20, 2022. The interview was recorded. During the interview, ISMAIL told agents that he is married and has five children ages 6 to 17. ISMAIL explained that his wife and children moved to Nairobi, Kenya, in 2018.

28. During his interview on January 20, ISMAIL told agents that he owned three pieces of real estate in Nairobi, Kenya. ISMAIL said that he purchased a house in Nairobi about five years ago. He said that his wife and children live in the house.

29. ISMAIL told agents that he also purchased part of a textile company in Africa five years ago. He purchased his interest in the company for \$108,000. ISMAIL said that he currently owns 25 percent of the business. ISMAIL said that about a year ago he purchased another house in Nairobi using \$150,000 from his textile company. The house is currently under construction. ISMAIL said he will owe an additional \$30,000 to his textile company upon completion of the house.

30. ISMAIL told agents that he also owns a rental property in Nairobi.

31. During the recorded interview, ISMAIL told agents that his wife splits her time between Kenya and the United States. This was not true. According to U.S. Customs and Border Protection agency records, ISMAIL's wife has not returned to the United States since moving to Kenya in 2018.

**E. ISMAIL Made False Statements on His Passport Application**

32. During the execution of the search warrant at ISMAIL's residence on January 20, agents seized ISMAIL's U.S. passport. The passport was located inside



of a safe inside of the residence. ISMAIL provided agents with the combination to the safe during the execution of the search warrant.

33. Two months later, on or about March 22, 2022, ISMAIL applied for a new U.S. passport. ISMAIL submitted his application to the Minneapolis Passport Agency in Minneapolis, Minnesota. According to his application, ISMAIL was born in Somalia and became a naturalized U.S. citizen in 2005.

34. ISMAIL indicated on his application that he had previously been issued a U.S. passport. In response to the section asking about the status of his most recent passport, ISMAIL indicated that it had been lost.

35. In connection with the application, ISMAIL submitted a Statement Regarding a Lost or Stolen U.S. Passport Book and/or Card, known as Form DS-64. On the Form DS-64, ISMAIL falsely represented that he had lost his U.S. passport, which had originally been issued on February 20, 2018. ISMAIL explained that he "lost" his passport "at home."

<b>2. LOST OR STOLEN U.S. PASSPORT BOOK/CARD INFORMATION:</b>		<small>Answer all questions completely. If you do not know the answer in detail, be as exact as possible.</small>
Are you submitting this form in connection with an application for a new U.S. passport book and/or card?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Explain how your U.S. passport book/card was lost or stolen.		LOST AT HOME
Did you file a police report?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

36. ISMAIL also claimed that he had filed a police report. This was not true. According to the Savage Police Department, ISMAIL has not filed any police reports related to the loss of his passport.

37. The Form DS-64 signed by ISMAIL expressly warned that "false statements made knowingly and willfully on this form, in U.S. passport applications,

or in affidavits or other supporting documents submitted therewith are punishable by fine or imprisonment under U.S. law, including 18 U.S.C. 1001 and/or 18 U.S.C. 1542.”

WARNING			
False statements made knowingly and willfully on this form, in U.S. passport applications, or in affidavits or other supporting documents submitted therewith are punishable by fine and/or imprisonment under U.S. law, including the provisions of 18 U.S.C. 1001 and/or 18 U.S.C. 1542. Alteration or mutilation of a U.S. passport is punishable by fine and/or imprisonment under the provisions of 18 U.S.C. 1543. The use of a U.S. passport in violation of the restrictions contained therein or of the passport regulations is punishable by fine and/or imprisonment under 18 U.S.C. 1544. All statements and documents submitted are subject to verification.			

38. Based on this application, the U.S. Department of State issued ISMAIL a new U.S. passport on March 22, 2022.

**F. ISMAIL Used his New Passport to Board a Flight to Nairobi, Kenya (Via Amsterdam)**

39. On or about April 4, 2022, ISMAIL booked a flight from Rochester, Minnesota, to Nairobi, Kenya (via Minneapolis-St. Paul International Airport and Amsterdam Schiphol Airport). The flight was scheduled to depart on April 20, 2022. ISMAIL also booked a return flight for May 19, 2022.<sup>1</sup>

40. According to airport officials, ISMAIL checked in for his flight at Rochester International Airport at approximately 10:30 a.m. on April 20, 2022. ISMAIL used his newly obtained U.S. passport to check in for the flight.

41. According to airport officials, ISMAIL checked five suitcases.

42. ISMAIL arrived at Minneapolis-St. Paul International Airport at approximately 12:15 p.m. on April 20, 2022. Approximately two hours later, at 2:30

---

<sup>1</sup> Based on my training and experience, and the training and experience of other agents involved in the investigation, I know that individuals fleeing the country to avoid arrest or prosecution will often book round-trip airplane tickets to hide the fact that they do not intend to return to the United States.

p.m., ISMAIL presented his ticket and boarded his flight to Amsterdam. FBI agents arrested ISMAIL on the jetway.

43. At the time of his arrest, ISMAIL was wearing a backpack and pulling a carry-on suitcase. According to airport officials, ISMAIL had five additional suitcases in checked luggage. These suitcases were taken off the plane and into the custody of the U.S. Customs and Border Protection agency.

## II. CONCLUSION

44. Based on the facts set forth above, and based on my training, experience, knowledge, and the aforementioned facts of this investigation, there is probable cause to believe that MOHAMED JAMA ISMAIL has violated 18 U.S.C. § 1542 (passport fraud).

Respectfully submitted,



---

FBI Special Agent Travis Wilmer

SUBSCRIBED and SWORN before me by reliable  
electronic means (FaceTime, Zoom and/or email)  
pursuant to Fed. R. Crim. P. 41(d)(3)  
on April 21, 2022



The Honorable Hildy Bowbeer  
United States Magistrate Judge



# UNITED STATES DISTRICT COURT

for the  
District of Minnesota

UNITED STATES OF AMERICA

v.

MOHAMED JAMA ISMAIL

**FILED UNDER SEAL PURSUANT  
TO ORDER**

Case No. 22-MJ-328 (HB)

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay MOHAMED JAMA ISMAIL

who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☒ Superseding Information ☒ Complaint  
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice  
Order of the Court

On or about March 22, 2022, in the State and District of Minnesota, defendant MOHAMED JAMA ISMAIL willfully and knowingly made a false statement in an application for a passport with intent to induce or secure the issuance of a passport, in violation of 18 U.S.C. § 1542.

Date:

April 21, 2022

Hildy Bowbeer  
Issuing officer's signature

City and State: St. Paul, MN

The Honorable Hildy Bowbeer  
United States Magistrate Judge

Printed Name and Title

### Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Arresting officer's  
signature

\_\_\_\_\_  
Printed name and title

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No. 22-MJ-328 (HB)

UNITED STATES OF AMERICA,

Plaintiff,

v.

MOHAMED JAMA ISMAIL,

Defendant.

**FILED UNDER SEAL  
PURSUANT TO ORDER**

**MOTION TO SEAL**

The United States of America, by its attorneys, Andrew M. Luger., United States Attorney for the District of Minnesota, and Joseph H. Thompson, Assistant United States Attorney, respectfully submits this motion to file the Complaint and accompanying Affidavit of Special Agent, Travis Wilmer under seal.

The United States seeks to seal the Complaint and affidavit because the defendant, MOHAMED JAMA ISMAIL, is not yet in federal custody. Law enforcement officers investigating this case have expressed serious concern that if the Complaint and Affidavit are made public, and MOHAMED JAMA ISMAIL is alerted of his impending arrest on the federal warrant, there is a safety risk to MOHAMED JAMA ISMAIL and law enforcement taking him into federal custody.

Dated: April 20, 2022

Respectfully submitted,

ANDREW M. LUGER  
United States Attorney

BY: s/ Joseph H. Thompson  
JOSEPH H. THOMPSON  
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No. 22-MJ-328 (HB)

UNITED STATES OF AMERICA,

Plaintiff,

v.

MOHAMED JAMA ISMAIL,

Defendant.

**FILED UNDER SEAL  
PURSUANT TO ORDER**

**ORDER TO SEAL**

The United States submitted a motion requesting that the Court seal the Complaint and accompanying Affidavit in the above-referenced case until the defendant, MOHAMED JAMA ISMAIL, is arrested on a federal warrant, which is tentatively scheduled for April 21, 2022. The Court determines that good cause exists to allow the request for temporarily sealing.

Accordingly, IT IS HEREBY ORDERED that the United States' motion to seal

is GRANTED.

*April 21, 2022*  
Dated

*Hildy Bowbeer*  
The Honorable Hildy Bowbeer  
United States Magistrate Judge