



DYLAN WRIGHT
DIRECTOR
OC COMMUNITY RESOURCES

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JOANNE VEEDOR
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OC HOUSING & COMMUNITY
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RENEE RAMIREZ
DIRECTOR
OC COMMUNITY SERVICES

PAMELA PASSOW
DIRECTOR
OC PARKS

JULIE QUILLMAN
COUNTY LIBRARIAN
OC PUBLIC LIBRARIES

OC Community Resources

July 26, 2024

Sent via overnight courier and Email to:

ppham@warnerwellnesscenter.com and sswinchell@netzero.com

Sterling Scott Winchell
Attorney for Viet America Society
3 Hutton Centre, Suite 900
Santa Ana, CA 92707

Viet America Society (VAS)
Attn: Peter Pham, Chief Executive Officer
17801 Santa Anita Circle
Fountain Valley, CA 92708

**Subject: Fiscal Monitoring Fiscal Year (FY) 2021-22
ARPA Nutrition Gap Program Contract MA-012-21011525**

Dear Mr. Pham:

This letter acknowledges receipt of the Corrective Action Plans (CAPs) received during a series of meetings and emails. These CAPs were collected to fulfill the required documentation for the Fiscal Year (FY) 2021-2022 Fiscal Monitoring of VAS's Contract MA-012-2101125 (Contract), conducted by Davis Farr, LLC on behalf of the Orange County (County) Community Services (OCCS) Contract Monitoring and Program Compliance (CM&PC) Unit.

The County hosted a series of reoccurring meetings to obtain weekly updates on the status of requested documentation and the Single Audit Report that VAS has failed to secure. The combination of the multiple documents reviewed, various revisions received, and the latest update received during the July 23, 2024 meeting demonstrates that the actions taken by VAS for the following findings do not satisfy the expectations outlined in the Fiscal Monitoring Letter dated February 9, 2023 or the Contract's requirements.

Finding No. 1 – Lack of Single Audit

VAS was required to submit the Single Audit Reports (SAR) for FY ending 2021 and 2022 and upload the SARs to the Federal Clearinghouse Website within 30 days. VAS procured an auditor and provided a copy of the engagement letter which stated the SAR would be completed June 30, 2024. VAS did not meet this deadline and has not submitted SARs to date. Moreover, during the conference call/Teams meeting held on Tuesday, July 23, 2024, that included VAS, its auditor, and the County, the senior auditor

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SANTA ANA, CA 92705
PHONE: 714.480.2801
FAX: 714.480.2978

Viet America Society (VAS) – PY 2021-22 Fiscal Monitoring

Page 2 of 2

July 26, 2024

stated that based on VAS's descriptions of its operations, controls, and verbal contracts, the auditor believed that VAS would not be able to provide sufficient information to properly complete the audit. The auditor stated that VAS lacked internal controls, did not follow the federal uniform guidelines, did not follow the funding source guidance, and lacked records necessary to establish an audit trail. As a result, the auditor stated its intention to: (1) issue a material scope limitation on the audit report; and (2) make material weakness findings. The day after the auditor disclosed the details regarding its forthcoming audit, on July 24, 2024, we received notice that VAS was terminating its audit engagement with its audit firm. VAS's decision to terminate the auditor after receiving the negative information undermined the County's efforts to determine the extent to which VAS performed. To date, VAS has not demonstrated that it performed as required under the Contract, and the information VAS has produced shows that VAS failed to perform multiple Contract obligations.

Finding No. 2 – Funds Received Under the Contract Were Not Accounted for Separately from Other Funds

VAS was required to submit accounting records solely containing monies provided in this Contract, as well as a General Ledger (GL) showing all grant funds spent. VAS failed to provide records solely containing monies related to the Contract grant and did not provide an explanation of the various expenditures.

Finding No. 3 – Inadequate Documentation Provided

VAS was required to submit program performance standards, a monthly list of recipients, and accounting records for this Contract. VAS submitted modified records; however, the documentation remains unsubstantiated. For example, a sampling of 300 participant applications were verified against the participant list which resulted in only 49 (16%) applications validated. Therefore, the monthly performance standards report submitted were also unable to be confirmed. Invoices, purchase orders, and receipts were not provided to support expenditures.

Without the required documentation and reporting, it is hereby determined that VAS failed to demonstrate it performed its contractual obligations, made valid requests for payment/reimbursement, and that the County's payments under the Contract were for allowable costs. Due to VAS's failure to substantiate the work performed under the Contract, the County is requiring full reimbursement in the amount of \$1,999,996.00.

Disclaimer: This Fiscal Monitoring was conducted on a sample basis; therefore, this letter should not be considered a comprehensive assessment of the fiscal factors that were monitored. It is VAS' responsibility to ensure all corrective actions have been identified and addressed. It is also VAS' responsibility to ensure its systems, programs, and outcomes comply with fiscal and program laws and regulations. Deficiencies identified in a subsequent review, such as an audit, would remain VAS' responsibility.¹

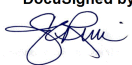
¹ This letter does not limit or waive any rights of OC Community Resources or the County of Orange, including but not limited to their rights to disallow and recover funds provided to VAS. The demand for reimbursement made herein arises out of the County's monitoring of fiscal year 2021/2022 only.

Viet America Society (VAS) – PY 2021-22 Fiscal Monitoring

Page 2 of 2

July 26, 2024

Sincerely,

DocuSigned by:

480B242F305041E...

Elsa C. Rivera

Contract Monitoring & Program Compliance Manager
OC Community Services

CC:

Renee Ramirez, Director, OC Community Services

Claudia Harris, Director, Office on Aging and Veterans Service Office

Marco Rodriguez, Program Manager, Office on Aging

Jessica Amezcua, Compliance Specialist, Contract Monitoring & Program Compliance



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3 Hutton Centre, Suite 900
Santa Ana, CA 92707

Viet America Society (VAS)
Attn: Peter Pham, Chief Executive Officer
17801 Santa Anita Circle
Fountain Valley, CA 92708

**Subject: Program Compliance Monitoring Review
ARPA - Nutrition Gap Program Services MA-012-21011525
(Contract)**

Dear Mr. Pham:

This letter acknowledges receipt of the Corrective Action Plans (CAPs) received after a series of meetings and emails. The CAPs were collected to fulfill the required documentation for the Fiscal Year (FY) 2021-2022 Compliance Monitoring Review, conducted by the Orange County (County) Community Services (OCCS) Contract Monitoring and Program Compliance (CM&PC) Unit.

The County hosted a series of reoccurring meetings to obtain weekly updates on the status of requested documentation including the Single Audit Reports that were scheduled to be completed on June 30, 2024 but VAS failed to secure. After reviewing VAS's submitted documents and revised documents, as well as the update provided during the July 23, 2024, meeting, the actions taken to address the following findings do not satisfy the Compliance Monitoring Report dated February 13, 2023 or the Contract's requirements.

Finding No. 1 (Reporting Requirements)

The Compliance Monitoring Report required VAS to submit documents covering the term of the Contract. These documents must include, but are not limited to, general ledger/expense transaction reports, detailed performance reports, and monthly supporting documentation (i.e., Budget Schedule Forms, Performance Standards Forms, delivery schedules, and list of recipients).

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1300 SOUTH GRAND,
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FAX: 714.480.2978

VAS was to promptly provide the County with records demonstrating performance of its obligations under the Contract. These records must be sufficient to justify VAS's requests for payment under the Contract, and the County's payments thereunder, according to the Contract's requirements.

In reviewing the documents received, VAS did not properly adhere to the requirements of the CAPs and submitted documents that were questionable, inconclusive, or missing. For example:

- The general ledgers (GLs) provided for this Contract's May 3, 2021 – May 31, 2022, monitoring review period, included unexplained transactions that raise concerns of potential commingling of funds and questionable costs. VAS has refused to provide explanations or supporting documentation for these questioned items. For example, VAS's general ledgers included the following:
 - **2021 General Ledger**
 - Direct Public Support deposits including \$1,179,968.20 from Aloha Financial Investment and \$166,666.00 from Behavioral Health Solutions
 - Outside Contract Service expenditures including \$100,000.00 paid to Behavioral Health Solutions
 - VAS did not provide the requested invoices for Food Supply expenditures including \$154,000.00 paid to Hand-to-Hand.
 - Rent payment expenditures including \$5,000.00 paid to Huntington Partner
 - **2022 General Ledger**
 - Miscellaneous Revenue totaling \$17,300.00, referencing Aloha Financial Investment
 - Outside Contract Services referencing a \$100,000.00 payment to Behavioral Health Solutions and \$18,000.00 to Rhiannon Do.
 - Donations paid in the amount of \$104,125.00.
 - VAS did not provide the requested invoices for Food Supply expenditures totaling \$329,525.96.
- VAS's performance reports were revised multiple times and the credibility of the reports submitted are questionable. VAS originally reported that they served 20,000 meals per month and later revised their reported service to 10,000 meals per month without variance in weekly participation throughout the Contract term.
 - VAS did not document or report participants who dropped out of the program or new participants added week to week.
- VAS provided 900 participant applications to the County. The County conducted a random sample of 300 applicants and reviewed the sample against VAS's submitted participant list. Only 49 applications, or 16%, could be validated against the participant list provided. Inconsistencies included:

- Duplicated participants
- Applicants unable to be validated on one or more of the following criteria:
 - Name
 - Address
 - Phone number
 - Date of birth
- VAS's performance standards, budget summary and delivery reports could not be confirmed.
- VAS stated it used subcontractor(s) during the term of the Contract, but VAS was unable to provide the County with any contractual service agreement(s) or submit subcontractor documentation of work performed.

Finding No. 2 (Audit Requirements)

The Monitoring report required VAS to provide a copy of their Single Audit Reports for Fiscal Year ending 2021 and 2022 and submit the Single Audit Reports to the Federal Audit Clearinghouse (FAC) Website within 30 days.

In April 2024, VAS notified the County that they had procured the CPA firm, the Pun Group, to conduct their Single Audit Reports with an expected completion date of June 30, 2024. The County and VAS representatives held regular meetings to request status updates on the completion of the audit. Although VAS represented that it was, and had, provided the necessary information and supporting documentation to the Pun Group, and the Single Audit was on track to be completed by June 30, 2024, VAS disclosed to the County in July 2024 that the Pun Group could not timely complete the Single Audit Reports because VAS had failed to provide significant amounts of information.

Moreover, during a meeting held on Tuesday, July 23, 2024, that included VAS, the Pun Group, and the County, the Pun Group's senior auditor informed the County and VAS that based on VAS's descriptions of its operations, controls, and verbal contracts, the Pun Group believed that VAS would not be able to provide sufficient information to properly complete the audit. Pun Group stated that VAS lacked internal controls, did not follow the federal uniform guidelines, and did not follow funding source guidance. The Pun Group specifically stated that VAS's accounting for meals and participant lists were problematic, and VAS does not have the records necessary to establish an audit trail. As a result, the Pun Group stated its intention to: (1) issue a material scope limitation on the audit report; and (2) make material weakness findings that list the specific sections of the uniform guidance and applicable rules that VAS failed to follow or that Pun Group had insufficient information to test. Pun Group also stated that its report would list VAS's internal control failures, insufficient record keeping, and conclude certain information could not be tested.

On July 24, 2024, the Pun Group, notified the County that VAS was terminating its audit engagement with the audit firm. VAS's decision to terminate the Pun Group undermines the County's extensive efforts to determine VAS's performance under the terms of the Contract.

Without accurate documentation to support the expenditures VAS claimed, the expenditures are hereby determined to be disallowed and are subject to reimbursement to the County. As demonstrated above, VAS has failed to provide sufficient documentation to support its claims

for payment to the County under the Contract referenced above. The terms of the Contract and Code of Federal Regulations authorize the County to seek reimbursement as stated herein. VAS is required to reimburse the funds under the following Contract sections and regulations, among others: Section 22 (Subcontracting), Section 39 (Performance Standards), Section 44 (Audit Requirements), Attachment A (Scope of Services), and Exhibit 5, (OC Community Resources Contract Reimbursement Policy). Due to VAS's failure to substantiate the work performed as required by the terms of the Contract, the County is requesting full reimbursement in the amount of \$1,999,996.00.

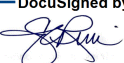
Payment is due within 30 days, but no later than Monday, August 26, 2024. Payment can be mailed to:

Orange County Community Services
Attn: Renee Ramirez, OCCS Director
1300 S. Grand Ave., Bldg. B, 2nd Floor
Santa Ana, CA 92705

The County reserves and does not waive or relinquish any rights or remedies that may be available to the County under the Contract or law including, but not limited to, the right to seek reimbursement for the payments made to VAS.¹

This review was conducted on a sample basis; therefore, this letter should not be considered a comprehensive assessment of the program factors that were monitored. It is VAS's responsibility to ensure all corrective actions have been addressed and implemented so that their systems, programs, and outcomes comply with program laws and regulations. Deficiencies in a subsequent review, such as an audit, would remain VAS's responsibility.

Sincerely,

DocuSigned by:

480B242F305041E...

Elsa C. Rivera
Contracts Monitoring & Program Compliance Manager
OC Community Services

Cc: Renee Ramirez, Director, OC Community Services
Claudia Harris, Director, OC Office on Aging and OC Veterans Service Office
Marco Rodriguez, Program Manager, OC Office on Aging
Michael Brewer, Compliance Analyst, Contract Monitoring & Program Compliance

¹ This letter does not limit or waive any rights of OC Community Resources or the County of Orange, including but not limited to their rights to disallow and recover funds provided to VAS. The demand for reimbursement made herein arises out of the County's monitoring of fiscal year 2021/2022 only.



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July 26, 2024

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Attorney for Viet America Society
3 Hutton Centre, Suite 900
Santa Ana, CA 92707

Viet America Society (VAS)
Attn: Peter Pham, Chief Executive Officer
17801 Santa Anita Circle
Fountain Valley, CA 92708

**Subject: Fiscal Monitoring Fiscal Year (FY) 2020-21
CARES Nutrition Gap Program Contract MA-012-21010980**

Dear Mr. Pham:

This letter acknowledges receipt of the Corrective Action Plans (CAPs) received during a series of meetings and emails. These CAPs were collected to fulfill the required documentation for the Fiscal Year (FY) 2020-2021 Fiscal Monitoring of VAS' Contract MA-012-21010980 (Contract), conducted by Davis Farr, LLC on behalf of the Orange County (County) Community Services (OCCS) Contract Monitoring and Program Compliance (CM&PC) Unit.

The County hosted a series of reoccurring meetings to obtain weekly updates on the status of requested documentation and the Single Audit Report that VAS has failed to secure. The combination of the multiple documents reviewed, various revisions received, and the latest update received during the July 23, 2024 meeting, demonstrates that the actions taken by VAS for the following findings do not satisfy the expectations outlined in the Fiscal Monitoring Letter dated February 9, 2023 or the Contract's requirements.

Finding No. 1 – Funds Received Under the Contract Were Not Accounted for Separately from Other Funds

VAS was required to submit accounting records solely containing monies provided in this Contract, as well as a General Ledger (GL) showing all grant funds spent. VAS failed to provide records solely containing monies related to the Contract grant and did not provide an explanation of the various expenditures.

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Viet America Society (VAS) – PY 2020-21 Fiscal Monitoring

Page 2 of 2

July 26, 2024


Finding No. 2 – Inadequate Documentation Provided

VAS was required to submit program performance standards, a monthly list of recipients, and accounting records for this Contract. VAS submitted modified records; however, the documentation remains unsubstantiated. For example, a sampling of 275 participant applications were verified against the participant list which resulted in only 52 (19%) participants validated. Therefore, the monthly performance standards report submitted were unable to be confirmed. Also, invoices, purchase orders, and receipts were not provided to validate and support expenditures.

Without the required documentation and reporting, it is hereby determined that VAS failed to demonstrate it performed its contractual obligations, made valid requests for payment/reimbursement, and that the County's payments under the Contract were for allowable costs. Due to VAS's failure to substantiate the work performed under the Contract, the County is requiring full reimbursement in the amount of \$200,000.00.

Disclaimer: This Fiscal Monitoring was conducted on a sample basis; therefore, this letter should not be considered a comprehensive assessment of the fiscal factors that were monitored. It is VAS' responsibility to ensure all corrective actions have been identified and addressed. It is also VAS' responsibility to ensure its systems, programs, and outcomes comply with fiscal and program laws and regulations. Deficiencies identified in a subsequent review, such as an audit, would remain VAS' responsibility.¹

Sincerely,

DocuSigned by:

480B242F305041E...
Elsa C. Rivera

Contract Monitoring & Program Compliance Manager
OC Community Services

cc:

Renee Ramirez, Director, OC Community Services

Claudia Harris, Director, Office on Aging and Veterans Service Office

Marco Rodriguez, Program Manager, Office on Aging

Jessica Amezcua, Compliance Specialist, Contract Monitoring & Program Compliance

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Santa Ana, CA 92707

Viet America Society (VAS)
Attn: Peter Pham, Chief Executive Officer
17801 Santa Anita Circle
Fountain Valley, CA 92708

**Subject: Program Compliance Monitoring Review
CARES - Nutrition Gap Program Services MA-012-21010980
(Contract)**

Dear Mr. Pham:

This letter acknowledges receipt of the Corrective Action Plan (CAPs) received during a series of meetings and emails. These CAPs were collected to fulfill the required documentation for the Fiscal Year (FY) 2020-2021 Program Compliance Monitoring Review, conducted by the Orange County (County) Community Services (OCCS) Contract Monitoring and Program Compliance (CM&PC) Unit.

The County hosted a series of reoccurring meetings to obtain weekly updates on the status of requested documentation and the Single Audit Report VAS has failed to secure. After review of the multiple documents, including various revisions received, and the latest update provided during the July 23, 2024 meeting, the actions taken to address the following findings identified in the Program Compliance Monitoring Letter dated February 13, 2023, do not satisfy the contractual requirements and expectations.

Finding No. 1 (Reporting Requirements)

VAS was required to submit documents covering the term of the Contract. These documents must include, but are not limited to, general ledger/expense transaction reports, detailed performance reports, and monthly supporting documentation (i.e., Budget Schedule Forms, Performance Standards Forms, delivery schedules, and list of recipients). VAS was required to provide the County with accurate records demonstrating the performance of its obligations under the Contract. These records must be sufficient to justify VAS's requests for payment under the

Contract, and the County's payments thereunder, according to the Contract's requirements.

In reviewing the documents submitted, it was evident that VAS did not properly adhere to the requirements of the Contract. The documents submitted remain questionable, inconclusive, or incomplete. For example:

- The general ledgers (GLs) provided as documentation under this Contract, included unexplained transactions that raise concerns of potential commingling of funds and questionable transitions. VAS has refused to provide explanations or supporting documentation to address these questionable transactions. For example, VAS's general ledger listed the following expenditures:
 - Outside Contract Services Expenditures; \$57,348.55
 - Outside Contract Services-SS; \$10,000
- When questioned about the \$20,000 Donation-SS to Santa Anita Neighborhood, VAS claimed they had a subcontractor agreement. VAS provided a list of participants from the Santa Anita Neighborhood; however, VAS could not provide an executed agreement and proof of approval to subcontract with Santa Anita Neighborhood.
- VAS did not provide copies of invoices for Food Supplies expenditures totaling \$119,063.80, as requested.
- VAS did not explain two deposits from Aloha Financial Investments for \$100,000 each, a total of \$200,000; and two separate deposits in the same amount listed under the Direct Public Support-Other category from the County of Orange.
- VAS's performance reports were revised multiple times and the credibility of the reports submitted was questionable. VAS originally reported that they served 20,000 meals per month and later revised their reported service to 10,000 meals per month without variance in weekly participation throughout the Contract term.
 - VAS did not document or report participants who dropped out of the program or new participants added week to week.
- The performance standards, budget summary and delivery reports could not be confirmed.
- VAS provided 900 participant applications, but in a batch of 275 reviewed and compared against the participant list provided, only 52 (19%) participants could be validated. Examples of errors identified:
 - Duplicated applications received
 - Duplicated participants listed
 - Applications dated after the term of the Contract
 - Applications unable to be validated due to one or more of the following criteria:
 - Name
 - Address
 - Phone number
 - Date of birth

Without accurate documentation to support expenditures claimed, the expenditures are determined to be disallowed and are subject to reimbursement to the County. As demonstrated above, VAS has failed to provide sufficient documentation to support its claims for payment to the County under the Contract referenced above. The terms of the Contracts and Code of Federal Regulations authorize the County to seek reimbursement as stated herein. VAS's failure to provide, and maintain, adequate documentation for its claims for payments made to the County is inconsistent with the federal statutes and regulations VAS was obligated to comply with and constituted a breach of the Contract. VAS is required to reimburse the funds under the following Contract sections and regulations, among others: Section 22 (Subcontracting), Section 39 (Performance Standards), Section 44 (Audit Requirements), Attachment A (Scope of Services), and Exhibit 5, (OC Community Resources Contract Reimbursement Policy). VAS must reimburse the County \$200,000.

Payment is due within 30 days, but no later than Monday, August 26, 2024. Payment can be mailed to:

Orange County Community Services
Attn: Renee Ramirez, OCCS Director
1300 S. Grand Ave., Bldg. B, 2nd Floor
Santa Ana, CA 92705

The County reserves and does not waive or relinquish any rights or remedies that may be available to the County under the Contract or law including, but not limited to, the right to seek reimbursement for the payments made to VAS.¹

Sincerely,

DocuSigned by:



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Elsa C. Rivera

Contracts Monitoring & Program Compliance Manager
OC Community Services

Cc: Renee Ramirez, Director, OC Community Services
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