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DEPARTMENT OF AGRICULTURE

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January 10, 2017

Certified Letter# 7005 0390 0002 3297 8539

Russell Fecht, Superintendent Pershing County School District P.O. Box 389 Lovelock, NV 89419

Dear Mr. Fetch,

The Nevada Department of Agriculture, Food and Nutrition Division conducted an Administrative Review of the Pershing County School District from November 15-16, 2016. The Administrative Review team consisted of Catrina Peters, School Nutrition Services Manager, Rose Wolterbeek, School Nutrition Services Specialist, and Brittany Mally, Quality Assurance Specialist. The purpose of the Administrative Review is to ensure compliance with federal regulations and also provide technical assistance for program improvement. Our team greatly enjoyed working with all food service staff members. Thank you for accommodating our staff during the review and for providing all the needed documentation in a timely fashion. Staff was very helpful in providing documentation and answering questions throughout the review process.

We conducted an exit conference on November 16th, 2016 to discuss the major findings of the review. Julie Myers, Food Service Director and Russell Fecht, Superintendent, were in attendance. The Administrative Review evaluates compliance with the regulatory provisions of the National School Lunch Program (NSLP) and School Breakfast Program. Administrative Reviews are required to be conducted on a three year review cycle. The Pershing County School District received an onsite review of its School Breakfast Program (SBP), National School Lunch Program (NSLP), and the Fresh Fruit and Vegetable Program (FFVP). The findings of the review are detailed below by the three main sections of the Administrative Review, Performance Standard I, Performance Standard II and Other Areas. The new procurement review is being coupled with the administrative review and the findings of the procurement review are also included in this letter.

Performance Standard I - Meal Access and Reimbursement

The National School Lunch Program (NSLP) and the School Breakfast program (SBP) have counting and claiming systems that are federally mandated for all School Food Authorities (SFAs) that are participating in these programs. All free, reduced price, and paid meals claimed for reimbursement must be served only to children eligible for free, reduced- price, or paid meals. The certification and benefits issuance process is the SFA's certification of a student's eligibility for free or reduced price meals and serves as the link to the SFA's meal counting and claiming system. Validation of this system during the Administrative Review ensures that eligible children receive meals to which they are entitled and that claims for reimbursement are valid.

All applications reviewed were certified correctly and complete. It was noted the determining official is the same person who is operating the point of sales (POS) system at lunch and therefore counting the meals. We highly encourage as a best practice that the person who is determining the student's meal status should not be the same person counting their meals. To put this best practice into place, PCSD can have another person, the finance officer perhaps, be the determining official or they can have one of the cooks or food service workers operate the POS and count the meals served with the current determining official remaining the same. If the cook, or someone other than the determining official counts meals served, this could sufficiently separate duties.

Applications verified were correctly pulled from error prone applications and the correct process was followed to verify applications. The Federal regulations state the sample pool for verification is not to be gathered until October 1st. Some verification letters were dated September 8, 2016. Please ensure that verification is not occurring before October 1st.

PCSD uses the database system Infinite Campus as their POS and for consolidating their meal claims. For the month of review (September 2016), the meal claim was reviewed and checked against the back-up documentation for the meals claimed at each site. There are four school sites that have meals to consolidate for the monthly claim. Of the four sites, two were found to have meal counts that did not match the numbers submitted for the monthly claim. At Lovelock Elementary School and Pershing High School, the report showing the meals served each day for the month of review for each category (free, reduced, and paid) does not match the totals found on the monthly transaction summary report that is used to summit the meals claimed for reimbursement to NDA. All back-up documentation needs to be able to support and clearly show that the number of meals submitted for reimbursement are correct. Please see the attached S-1 worksheets for the meal count totals.

Corrective Action Required: Please submit to NDA the back-up documentation for the daily meal counts for the months of October and November 2016 for all four school sites. In addition please submit the monthly transaction summary report for all four school sites for the months of October and November 2016.

All letters sent home to families for the school meal program must contain the most current USDA statement against discrimination. Upon review of the letters used by PCSD it was found that the non-discrimination statement being used is not the entire statement.

Corrective Action Required: For the following letters: denied, free, reduced, and direct certification please replace the non-discrimination with the full USDA statement against discrimination found below. Submit revised letter to NDA for review.

"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the <u>USDA Program Discrimination Complaint Form</u>, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider."

The application denial letter needs to contain information to let the family know that they can reapply for benefits at any time and provide information on how to reapply. The application denial letter submitted by PCSD did not contain that information. In addition, this was also a finding during the previous Administrative Review conducted on May 5th-8th, 2014.

Corrective Action Required: On the application denial letter please add information to let the family know that they can reapply for benefits at any time and provide information on how to reapply. Submit letter to NDA for review.

Performance Standard II- Meal Pattern and Nutritional Quality

The National School Lunch meal pattern is the foundation of federal school nutrition programs, and sponsors of the program must ensure that they are offering reimbursable meals for breakfast and lunch according to regulations (7 CFR 210.10 and 220.80). Schools operating NSLP and/or the SBP must prepare, offer, and serve meals to students that meet the meal pattern requirements for the appropriate age/grade groups on all reimbursable meal service lines.

The meal pattern standards have specific requirements for minimum amounts of fruit, vegetables, meat/meat alternates, and grains that must be offered daily and weekly. In addition, there are standards for vegetable sub-groups which must be offered each week. The meal pattern also requires that all creditable grain items be whole grain rich. The meal pattern limits calories (minimum and maximum levels), restricts sodium levels, limits saturated fat, and eliminates trans fats.

Menu Production Records

It is a Federal requirement that menu production records (MPRs) must provide certain information. During the Administrative Review conducted in May of 2014 it was determined that the production records for PCSD needed further development including all information being entered on the document. Technical assistance from NDA on production records was requested by the Food Service Manager in January of 2015 and was provided by Rose Wolterbeek, School Nutrition Services Specialist on January 12th, 2015. During the Administrative Review conducted on November 15th and 16th, 2016 production records were reviewed for one week of the month of review and the days of review. The following errors were found:

- PCSD has reverted back to using the old menu production record template. MPRs reviewed from 2015 show the correct updated form was being used but MPRs submitted for this AR are on the old template. The most updated template needs to be used.
- MPRs from Lovelock ES are incomplete and missing the following information: planned reimbursable meals, planned non-reimbursable meals, total reimbursable meals served, and total non-reimbursable meals served. MPRs must be completely filled out.
- The form of fruit/veggie (canned, fresh, or frozen) is not indicated.
- Lunch MPR from PMS on 9/12/16 has carrots on the menu however it is not credited correctly on the MPR and portion size is listed as 1 each. The amount credited cannot be determined by that portion.
- Breakfast MPR for 9/13/16 from PMS lists pears as the fruit served, portion size listed as 1 cup, 44 reimbursable meals planned, and amount needed listed as 1 #10 cans and amount actually prepared 1 #10 can with zero left over. One # 10

- can of pears yields about 9 ½ cups which does not equal 44 one cup servings as indicated on the MPR. Also need to know form of pears (diced, halved, in fruit juice or light syrup.)
- Breakfast MPR for 9/12/16 from PMS lists peaches as fruit served, same yield with the wrong amount of #10 cans listed and the form of peaches not listed as with the pears on 9/13/16.
- On MPRs from PMS the number of planned reimbursable meals is the same as the number of planned non-reimbursable meals. Those numbers should not be the same. Non-reimbursable planned is for adult or alternate meals that cannot be claimed as reimbursable.
- On lunch MPRs for 9/13, 9/14, 9/15, and 11/15/16 at PMS the number of reimbursable meals on the MPRs does not match the number of meals claimed on the edit check report. For 9/13/16 the edit check shows 51 meals served. MPRs lunch that day show 51 reimbursable meals served on the MPR with the main entrée and then 4 additional reimbursable meals served on the MPR with the chef salads. That is 55 total reimbursable meals served. If the MPRs were completed that day as expected then PMS is under claiming those 4 meals from the salads. Another possible explanation is that the MPRs are not being completed the day of meal service and are being filled out later with the numbers from the edit check reports.
- Several production records show a meat item with a portion size of 3 oz, however when the math is done to check that the amount of product used was enough to produce the planned number of reimbursable meals the portion size did not equal 3 oz, but closer to 2 oz. The portion size listed on the MPR must be the same as the portion that is served to the students. Either the portion size can be adjusted or the amount used to make that recipe needs to be adjusted to produce the correct number of servings of the portion specified.
 - On the MPR for 9/15/16 at PMS for 9-12 the food item bbq pulled turkey the portion size is 3 oz, shows 40 reimbursable meals planned and served, amount needed 20 lbs and amount prepared 20 lbs. Either the portion size listed is incorrect, amount pulled is incorrect, or way to much was pulled. For LES on that same day their MPR showed the portion size as 6 oz not 3 oz.
 - 20 lbs x 16 oz = 320 oz and 320 oz/3 oz portion = ~ 106 three oz portions.
 - From Day of review 11/15/16 MPRs at PCMS for 9-12 the sloppy joe item has portion size as 3 oz, 64 planned, and amount needed 8 lbs. If you do the correct yield calculation 8 lbs of crumble equals out to sixty-four 2 oz servings not 3 oz portions as listed on the MPR.
 - On PMS the MPR for 11/16 lunch the turkey and gravy item has no recipe or product code listed. Also it shows 8 lbs are needed, portion listed is 3 oz and shows planned meals as 65. When the math is done without the recipe that comes out to 1.96 oz per serving, which is not 3 oz. Portion size listed or amount pulled is incorrect.

- Incomplete MPR for breakfast day of review 11/16/16 MPR for PMS for age/grade group 6-8. Total reimbursable meals is not recorded.

There has been technical assistance provided to PCSD on how to complete a production record on several occasions. In addition, there are samples of completed production records on the NDA website and the list of what is required on a complete production record. These resources have been shared with PCSD multiple times. It is expected that PCSD meet the standard for production records.

Notice of Fiscal Action: Fiscal action will be taken for this repeat violation. Since the number of reimbursable meals served from the week of review from September could not be determined from the production records for breakfast and lunch at LES, and lunch at PMS and PHS, those meals cannot be claimed for reimbursement. The month of review was September 2016 and during that month 1,803 reimbursable meals were served during those meals at those sites. Per the attached fiscal action sheet the total of those meals resulted in a fiscal action of \$2,943.80 which is above the \$600 threshold, as such fiscal action is being taken. NDA must recoup that amount from the PCSD.

Corrective Action Required: Submit to NDA for review one weeks' worth of completed production records for both breakfast and lunch for all four school sites in PCSD. Submit them un-typed and as they were completed by the cooks in the kitchen. If portions are prefilled out by computer that is acceptable. Be prepared to submit one week's worth of production records to NDA at any point throughout the next year. NDA will be spot checking production records for PCSD to make sure the corrective actions made stay in place. In addition, all food service staff must complete the Food Production Records course from the Institute of Child Nutrition. Which can be found here: http://www.nfsmi.org/Templates/TemplateDefault.aspx?qs=cEIEPTIzOA. Submit certificates of completion to NDA.

Standardized Recipes

Standardized recipes must be followed for all menu items. On the day of review, most recipes were being followed however the recipe for the sloppy joes was not being followed. The recipe was written for raw ground beef, when beef crumbles were being used for the meal. The yield of raw ground beef is different than beef crumbles. Also the recipe called for bell peppers, however no bell peppers were observed in the sloppy joes. After interviewing the cooks, it was evident that the standardized recipe was not being followed to produce the amount of planned meals for meal service. The production records for this meal showed that the portion size of the sloppy joe filling was to be 3 oz, 64 meals were planned, and 8 pounds of filling was needed to prepare that amount.

8lbs x 16 oz = 128 oz.

128 oz / 64 planned meals = 2 oz portions of sloppy joe, not 3 oz as the production record stated.

It is important that standardized recipes be followed as it helps to accurately produce the number of planned meals and reduce food costs by decreasing food waste. It also helps to prevent under producing a food item.

Corrective Action Required: Submit a plan to NDA indicating how PCSD will ensure that standardized recipes are being followed and how out of date recipes will be replaced or updated with the products that PCSD is using such as the beef crumbles vs the raw ground beef. Alongside the productions records submitted, please submit copies of the recipes used for those meals that appear on those production records.

Age/Grade Group Servings

The USDA has set meal patterns that must be met for both breakfast and lunch for three different grade/age groups: k-5, 6-8, and 9-12. At PCMS the meal service is served for both the 6-8 grade group and the 9-12 grade group. There are two lines, one for each service so the students are served separately. However the 6-8 grade students are being served the same portion sizes of food items as the 9-12 grade group meets that group's minimum required amount of food components it can lead to unnecessary food waste. In addition, daily range for calories for the 9-12 grade group is 750-850 while the calorie range for the 6-8 grade group is 600-700 per day. If the menu is in compliance and meeting that minimum number of 750 calories per day for the 9-12 grade group, that can equate to an extra 200 calories per week for the 6-8 grade group and possibly as much as 600 extra calories per week if the meals are closer to 850 calories.

Corrective Action Required: Write a policy on how the 6-8 grade group will be served the appropriate portion sizes of the food components for that age/grade group. The policy/procedure should explain what steps will be taken to ensure that those students are being served different portions than the 9-12 grade group. Submit to NDA for review. The production records submitted for that corrective action will also be checked to see if the correct portion sizes are being served to the 6-8 grade group.

USDA Menu Certification Worksheets

If the school food authority does not use an approved nutrient analysis software then they are required to submit completed USDA menu certification worksheets. This is to help determine if the menu being offered at the school site is meeting the meal pattern requirements set forth by USDA. PCSD was asked to submit these worksheets on multiple occasions: in the notification letter of the Admin Review dated September 16, 2016, again during the offsite assessment call and follow up email dated October 3, 2016, and during the exit conference of the Admin Review on November 16, 2016. These worksheets are needed in order for NDA to accurately conduct a nutrient analysis of the menu being offered at PCSD and make sure it is in compliance. The review cannot be closed until these are received.

Corrective Action Required: Complete the USDA menu certification worksheet for two weeks of the menu for September 2016, for both breakfast and lunch, for all three

age/grade groups being served: K-5 at Lovelock ES, 6-8 and 9-12 at PMS. Once finished there should be a total of 12 worksheets to submit to NDA for review.

The most up to date worksheets to use can be found here: https://www.fns.usda.gov/school-meals/certification-compliance-worksheets-5-day-schedule . NDA is available for technical assistance if needed.

Whole Grain Rich Criteria

The meal pattern requires that all grains served as part of a reimbursable meal be whole grain rich. While observing the breakfast service at PMS/PHS and at Lovelock ES it was found that not all of the cereal being offered was whole grain rich. There were two cereal bowl packs that were whole grain rich and at least another 3 or 4 that were not. These included: Frosted Flakes, Apple Jacks, Corn Pops, and Fruit Loops. The Food Service Director was informed that those cereal were not whole grain rich and that they can no longer order and serve those cereals for a reimbursable meal.

Notice of Fiscal Action: During that breakfast service there were 53 meals that were observed with the non-whole grain rich cereal. These meals cannot be counted as reimbursable. Per the attached fiscal action sheet the errors resulted in fiscal action of \$73.37, as such fiscal action is being taken. NDA must recoup that amount from the PCSD.

Corrective Action Required: Remove those cereals from the menu and do not continue to order them. Submit copies of the nutrition facts labels of the cereal ordered to replace that item on the menu.

Comprehensive Resource Management

A comprehensive resource management review is required when certain risk based criteria are met by the school district. The Pershing County School District triggered a comprehensive resource management review in two areas: the maintenance of the nonprofit school food service account and paid lunch equity. The intent and scope of this part of the Administrative Review is to apply a systematic approach to ensuring the overall financial health of an SFA's nonprofit food service. The areas covered are detailed below.

After an in depth review of the maintenance of the nonprofit school food service account there were no findings and no corrective actions necessary in this area. In regards to the paid lunch equity section it was determined by use of the paid lunch equity tool that PCSD did not increase their price for paid meals enough to cover their cost. Therefore a nonfederal source contribution is required to cover the difference. PSCD has chosen to use a general fund transfer of \$2,141.30 to the nonprofit school food service account to cover the difference. This transfer was approved by NDA and therefore there are no corrective actions.

General Program Compliance

Professional Standards

The Professional Standards regulations in 7 CFR 210.30 establishes hiring standards for new school nutrition program directors at the School Food Authority (SFA) level (effective July 1, 2015). In addition, the regulations establish annual training standards for all school nutrition program directors, managers, and staff. The required annual training hours vary according to the employee's role in the management and operation of the school nutrition program. The current director was hired prior to July 1, 2015 and is grandfathered in under the new hiring requirements.

Training must be job-specific and is intended to help employees perform their duties well. Training needs are best assessed by an employee in consultation with their manager, director, or the Nevada Department of Agriculture. Training may be obtained in many ways, such as in-person, online, through local meetings, webinars, conferences, etc. A variety of free and low-cost training resources and formats are available.

USDA Training Tracking Tool has been provided as a resource to assist SFAs to track and record the annual training hours completed by each school nutrition program employee. Supporting documentation for all completed trainings, i.e., agendas, sign-in sheets, certificates of completion, etc. must be maintained on file.

The required training hours have increased for the 2016/2017 school year and will remain as such going forward. The hours are as follows:

- Food Service Director/Supervisor 12 hours
- Food Service Manager 8 hours
- All other full time staff 6 hours
- Part time staff 4 hours

After reviewing the training tracker for PSCD food service employees from last school year 2015-2016 it was determined that two part time employees did not meet the training hours needed. It is required that part time employees received 4 hours of job specific training. The part time employees for PCSD food service only had 2 hours of training last school year. All other staff listed meet their required training hours for the year.

Corrective Action Required: Please submit a current trainer tracker log for this school year 2016-2017. If the employees listed have not met or exceeded their training hours for the year please provide a plan on what trainings they will attend to meet their hours by June 30th, 2017. Submit to NDA for review.

Food Safety Inspection

It is required that the most current food safety inspection be posted in a public viewing area. When touring PMS the most current food safety inspection was posted in the back of the kitchen where only food service employees could view it. Technical assistance was provided on where the inspection report should be posted. After the review was over a photo of the most recent food safety inspection was submitted to NDA showing it posted

on the wall in the cafeteria next to the *And Justice For All poster*. No further action is necessary.

PCSD has meet the requirements for all other areas that fall under general compliance including: civil rights, local school wellness policy, water, on-site monitoring, reporting and recordkeeping, SBP outreach, and the Fresh Fruit and Vegetable Program. No corrective actions are required for those areas.

Procurement Review

The procurement of goods and services is a significant responsibility of a school food authority (SFA). Obtaining the most economical purchase should be considered in all purchases when using the nonprofit food service account. Federal, state and local laws and regulations specify the methods SFAs must:

- Properly procure goods and services
- Award contracts only to responsible contractors
- Not restrict competition
- Follow procurement standards in program regulations (7 CFR 210.21 & 2 CFR 200.318-.326)
- Prohibit conflicts of interest
- Use required procurement methods
- Take affirmative steps to use small, minority, women's business and labor surplus enterprises, when possible
- Oversee contractors to ensure all contract provisions are fulfilled for the duration of the contract
- Follow the Buy American provision

The Nevada Department of Agriculture (NDA) is required to ensure that SFAs comply with the applicable regulations through audits, administrative reviews, technical assistance, training, guidance materials, and by other means. (7 CFR 210.19(a)(3)). Based on the responses received by Pershing County School district's from NDA's procurement worksheet, it was determined that the district was using the following procurement method in its operation:

Micro-purchase Method

As part of the Micro Purchase, the Nevada Department of Agriculture reviewed two vendors (2015/16 School year) for purchases below the micro-purchase threshold (\$0-\$3,500): Safeway and Wade Distributing. The reviewer examined Pershing County's School District purchase orders and receipts/invoices for to determine:

- If the transactions were below \$3,500
- If the prices for products were purchased reasonable
- If the SFA equitably distributed purchases among qualified sources

The method was in compliance in all three areas with the regulations on Federal purchasing.

As part of the Small Purchase, the Nevada Department of Agriculture reviewed one vendor (2015/16) for a purchase made below the small purchase threshold (under \$150,000): McMaster Carr. The reviewer found the purchase was in compliance.

In addition, at Pershing County School District the reviewer examined the District's procurement procedures. A district purchasing policy was in place: *District Purchasing-Code DJ*. Pershing County School District will need a few modifications to meet Federal requirements. Per USDA guidance, the procurement plan must outline the specific procedures per 2CFR Part 200 for program operators. Specifically, the revised plan must follow types of procurement available: micro purchase, small purchase, and formal procurement methods. A sample chart and a pilot procurement plan are attached and may be used as guides to modify the existing plan.

A written code of standard of conduct was requested. It was determined that the Pershing County School District did have one in place at the time of the procurement review. Per 2CFR Part 200.318(c)(1) the non-Federal entity must maintain written standard of conduct covering conflicts of interest and to govern the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.

Corrective Action Required: Modify the district's current Food Service purchasing plan to bring it into compliance with the Federal regulations per 2 CFR Part 200.320 with regards to procurement methods for program operators. Submit to NDA for Review.

Please find attached the following guidance documents: Numbered memo NSLP 2016-14 (issued on November 3, 2015): Questions and Answers on the Transition to and Implementation of 2 CFR Part 200, Procurement Methods Quick Reference Chart and a pilot Procurement Plan prototype. In addition, technical assistance will be provided if requested by staff on the procurement review findings.

Summary: Two of the above mention items: production records and whole grain rich criteria require fiscal action. The total amount of fiscal action is \$3,017.17 and that amount will be recouped from PCSD. Please note that if repeat violations are found on subsequent reviews in any program area fiscal penalties may be assessed and the additional \$0.06 reimbursement may be turned off until the program is brought into compliance with federal regulations. **All corrective actions must be completed and submitted by February 10, 2017.** If corrective action is not completed, or if the need is identified to ensure all corrective items are in place we may schedule a follow up review. Program funds may be withheld until corrective action is complete if not submitted by the required due date. Please see the attached document, NSLP-SBP-SMP Appeals sponsor handout for direction on how to appeal the denial of all or a part of the claim for

reimbursement or withholding funds. If you have any questions about the required corrective action please contact Brittany Mally at (775) 353-3663 as soon as possible.

Best Regards,

Brittany Mally RD,LD, Quality Assurance Specialist, NV Dept. of Agriculture, Food and Nutrition Division

Attachments: Appeal Procedures, Administrative Review Forms, Procurement Package

Cc: Julie Myers, Food Service Director

Lisa Clark, Finance Officer

Catrina Peters, School Nutrition Services Manager, NV Dept. of Agriculture, Food and Nutrition Division

Rose Wolterbeek, School Nutrition Services Specialist, NV Dept. Of Agriculture, Food and Nutrition Division

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