

Presentation for the Federal Bureau of Investigation

FoodQuestTQ LLC v. the U.S. Government

CASE ABSTRACT

FoodQuestTQ LLC is a small company that builds risk management software to make the food we all eat safer. The Department of Health and Human Services (DHHS) and the Food and Drug Administration (FDA) are unlawfully competing with FoodQuestTQ LLC. **Since at least 2007**, the FDA has engaged in a purposeful scheme to defraud FoodQuestTQ LLC by misappropriating FoodQuestTQ LLC's research and duplicating the small company's commercial products. To implement their scheme, DHHS and FDA are violating numerous Federal laws.

THE SIX STEP SCHEME TO DEFRAUD

1. Identify FoodQuestTQ technology as critical to the mission of the FDA
2. Violate procurement law to duplicate FoodQuestTQ technology
3. Turn to “preferred” contractors to duplicate the technology
4. Refuse to mediate the dispute
5. Apply intimidation, coercion and extortion to silence FoodQuestTQ LLC
6. Obstruct justice

VALUE OF THE TECHNOLOGY

- The research received Potomac Foundation Award in 2004
- Independent certification by Deloitte and Touche of the usefulness and functionality of the technology in 2011
- Independent CPA evaluation estimates the value of the technology over five years at \$188 + million for food and agriculture
- Applications across other industry verticals are estimated in the multiple billions of dollars

SUMMARY TIMELINE

- **2003 to 2012**, FoodQuestTQ LLC develops a new risk management technology
- From at least **2006 to the present time**, the FDA has engaged in a purposeful scheme to defraud FoodQuestTQ LLC
- In **January 2013**, FoodQuestTQ LLC reaches out to the FDA to mediate a resolution but is rebuffed
- In **March 2013**, FoodQuestTQ LLC files a complaint with the National Ombudsman for Small Business
- From **January 2013 through May 2014**, FoodQuestTQ LLC reports violations of Federal laws throughout the Executive Branch
- In **June 2014**, FoodQuestTQ LLC files a request for investigation with the Baltimore Office of the FBI

EXAMPLES OF LAWS VIOLATED

- Federal procurement fraud: 18 U.S. Code § 1031 - Major fraud against the United States.
- The violation of procurement integrity law: 5 C.F.R. Part 2635.
- Breach of material and fundamental express and implied contract, as part of a purposeful scheme to defraud: 18 U.S. Code § 1031 - Major fraud against the United States.
- Violation of the Code of Ethics for Government Service, as part of a purposeful scheme to defraud: P. L. 96-303.
- Violation of the Racketeer Influenced and Corruption Organizations Act (RICO) as part of a purposeful scheme to defraud: Title 18 U.S.C. §1961 et seq.
- Violation of Sherman Antitrust law as part of a purposeful scheme to defraud: Title 15 U.S.C. §§ 1-7 and Title 18 U.S. Code § 1031 apply.
- The misappropriation intellectual property: 18 U.S.C. § 654 et. seq

INVESTIGATIVE REPORT

- Provides highly detailed accounting of exact events
- Includes supporting documentation as links to a comprehensive computer library of documents
- Identifies:
 - Laws violated
 - The value of the technology
 - Investigative tripwires, i.e., “smoking guns”
 - Personnel most closely associated with the matter
 - Questions to guide the investigation