

FBI EXHIBIT NO. : DETAILED COMPENDIUM OF THE FEDERAL STATUTES, LAWS AND REGULATIONS VIOLATED BY THE U.S. GOVERNMENT IN THE MATTER OF FOODQUESTTQ LLC

1. The U.S. Government, as part of a purposeful scheme to defraud, is engaged in the violation of the following federal procurement statute, law and regulation:

1. Failure to follow the open and fair competition requirements of Federal procurement law. The *Competition in Contracting Act (CICA) of 1984 (41 U.S.C. 253)* applies.
2. Failure to identify a compelling need for internal development of commercially available software that accomplished the same or similar purposes. The *Federal Acquisition Reform Act (FARA) of 1996* applies.
3. Failing to procure a commercially available alternative for a non-inherently governmental product or service. The *Federal Activities Inventory Reform Act (FAIR), P.L. 105-270* applies.
4. Violation of the *Federal Acquisition Regulations* as codified at *Title 48, Chapter 1 of the United States Code of Federal Regulations* applies:
 - a. §1.102 (b) (i): maximize the use of commercial products and services; (iii) promote competition; (3) Conduct business with integrity, fairness, and openness;
 - b. §1.102-2 (5): It is the policy of the System to promote competition in the acquisition process; (c) Conduct business with fairness, integrity and openness;
 - c. §3.101-1 General: The general rule is to avoid strictly any conflict of interest or even the appearance of a conflict of interest in Government-contractor relationships;
 - d. §3.104-2 General: (4) Parts 14 and 15 place restrictions on the release of information related to procurements and other contractor information that must be protected under 18 U.S.C. 1905;
 - e. §3.1002 Policy: (a) Government contractors must conduct themselves with the highest degree of integrity and honesty;
 - f. §3.1102 Policy: The Government's policy is to require contractors to—(a) Identify and prevent personal conflicts of interest of their covered employees; and (b) Prohibit covered employees who have access to non-public information by reason of performance on a government contract from using such information for personal gain;
 - g. §6.002 Limitations- No agency shall contract for supplies or services from another agency for the purpose of avoiding the requirements of this part [Unlawful use of a Military Interdepartmental Purchase Request (MIPR) to avoid fair and open competition];

- h. §6.202 Establishing or maintaining alternative sources: (b)(1) Every proposed contract action under the authority of paragraph (a) of this section shall be supported by a determination and findings (D&T) [Failure to justify an exemption to fair and open competition];
 - i. §6.302-2 Unusual and compelling urgency [The FDA failed to meet the exclusion requirements and follow the exemption process as stipulated in this Section], and;
 - j. §6.302-7 Public interest: (2) Full and open competition need not be provided for when the agency head determines that it is not in the public interest in the particular acquisition concerned; (ii) This authority may not be delegated; (2) The Congress shall be notified in writing of such determination not less than 30 days before award of the contract; (3) If required by the head of the agency, the contracting officer shall prepare a justification to support the determination under paragraph (c)(1) of this subsection; (4) This Determination and Finding (D&F) shall not be made on a class basis. [Failure to: 1) seek an exemption from agency head; 2) justify the exemption, and; 3) report the exemption to Congress].
2. Employees of the U.S. Government, as part of the purposeful scheme to defraud, are violating procurement integrity law. 5 C.F.R. Part 2635 applies.
- 1. Subpart A: General Provisions-avoiding appearances of conflicts of interest;
 - 2. Subpart E: Impartiality in Performing Official Duties;
 - 3. Subpart G: Misuse of Position, and;
 - 4. Endorsing Organizations, Products, or Persons [i.e., FDA endorsement of Tyco Integrated Security Systems].
3. The U.S. Government, as part of the purposeful scheme to defraud, is in breach of material and fundamental express and implied contract. 18 U.S. Code § 1031 - Major fraud against the United States applies.
- 1. Breach of express oral contract to protect FoodQuestTQ “business confidential” information. *22 CFR 130.15: Confidential business information and 18 U.S.C. 1905* apply;
 - 2. Breach of express oral contract to pursue the duty of good faith and fair dealing to mediate the dispute for the purpose of committing fraud. *18 U.S. Code § 1031 - Major fraud against the United States* applies.
 - 3. Breach of implied contract by U.S. Government employees by failing to follow their sworn oaths to uphold and defend the Constitution and the laws of the United States. *P. L. 96-303, July 3, 1980*, applies.
 - 4. Breach of express written contract by failing to enforce Small Business Administration (SBA) policy of zero tolerance for retaliation against small business for filing complaints against

Federal agencies. *18 U.S. Code § 1031 - Major fraud against the United States* and *Title 18 U.S.C. § 4 - Misprision of felony* for the active concealment of Federal crimes by officials of the U.S. Government.

4. The U.S. Government, as part of the purposeful scheme to defraud, is violating the Code of Ethics for Government Service. *P. L. 96-303*, July 3, 1980, applies. Officials of the U.S. Government have failed to:
 1. “Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.”
 2. “Uphold the Constitution, laws, and regulations of the United States and of all governments therein and never be a party to their evasion.”
 3. “Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of governmental duties.”
 4. “Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.”
 5. “Expose corruption wherever discovered.”
 6. “Uphold these principles, ever conscious that public office is a public trust.”
5. The U.S. Government, as part of the purposeful scheme to defraud, is engaged in racketeering. *The Racketeer Influenced and Corruption Organizations Act (RICO)* as codified at *Title 18 U.S.C. §1961 et seq.; §1963* applies. The U.S Government is/has:
 1. Engaged in a purposeful scheme to defraud. *18 U.S. Code § 1031 - Major fraud against the United States, 15 U.S.C. §§ 1-7 – Sherman Antitrust* and *5 C.F.R. Part 2635* apply.
 2. Used coercion, intimidation and extortion to silence FoodQuestTQ reports of fraud, waste and abuse. *Title 18 U.S.C. §1961 et seq.; §1963* and *5 C.F.R. Part 2635* applies.
 3. Failed to enforce the Small Business Administration (SBA) zero tolerance policy for retaliation against FoodQuestTQ. *Title 18 U.S. Code § 1031 - Major fraud against the United States* applies.
 4. Actively concealed Federal crimes by officials of the U.S. Government. *Title 18 U.S.C. § 4 - Misprision of felony* and *5 C.F.R. Part 2635* apply.
 5. Conducted an unlawful investigation to suppress evidence. *Title 18 U.S.C. Chapter 73, § 1510 - Obstruction of Criminal Investigations* and *5 C.F.R. Part 2635* apply.

6. Extended of lawyer client privilege based on an unlawful investigation to obstruct justice. *Title 18 U.S. Code Chapter 73, § 1510 - Obstruction of Criminal Investigations* and *5 C.F.R. Part 2635* apply.
7. Obstructed justice by suppressing lawful disclosures of information and the spoliation of evidence. *Title 5 U.S.C. §552 (Freedom of Information Act)*, *Title 18 U.S.C. §1961 et seq.;* *§1963*, *5 C.F.R. Part 2635*, *Title 18 U.S. Code Chapter 73, § 1510 - Obstruction of Criminal Investigations*, *Title 18 U.S.C. § 4 - Misprision of felony* and the *Federal Records Act of 1950, as amended*, as codified at *44 U.S.C. Chapters 29, 31 and 33* apply.
6. The U.S. Government and the food industry it regulates, as part of the purposeful scheme to defraud, are violating the provisions of Sherman Antitrust. *15 U.S.C. §§ 1-7 – Sherman Antitrust*, *Title 18 U.S. Code § 1031*. The U.S. Government is:
 1. Unlawfully acting as an “entity engaged in commerce” within the meaning of Sherman Antitrust as part of a purposeful scheme to defraud. *15 U.S.C. §§1-7 – Sherman Antitrust*, *Title 18 U.S. Code §1031 - Major fraud against the United States* and *Title 18 U.S.C. §1961 et seq.;* *§1963* apply.
 2. Colluding with the regulated food industry to promulgate inferior standards of food safety performance as part of a purposeful scheme to defraud in the furtherance of industry profits versus the best welfare of the consumer. *15 U.S.C. §§1-7 – Sherman Antitrust*, *Title 18 U.S. Code §1031 - Major fraud against the United States* and *Title 18 U.S.C. §1961 et seq.;* *§1963* apply.
 3. Broadly publishing as a standard of food industry performance inferior products that duplicate superior commercial products as part of a purposeful scheme to defraud. *15 U.S.C. §§1-7 – Sherman Antitrust*, *Title 18 U.S. Code §1031 - Major fraud against the United States* and *Title 18 U.S.C. §1961 et seq.;* *§1963* apply.
 4. Stifling the private sector innovation necessary to enhance the safety of the food supply as part of a purposeful scheme to defraud. *15 U.S.C. §§1-7 – Sherman Antitrust*, *Title 18 U.S. Code §1031 - Major fraud against the United States* and *Title 18 U.S.C. §1961 et seq.;* *§1963* apply.
 5. Engaging in predatory and anticompetitive conduct that harms the consumer, as part of a purposeful scheme to defraud, by “blacklisting” FoodQuestTQ LLC. *15 U.S.C. §§1-7 – Sherman Antitrust*, *Title 18 U.S. Code §1031 - Major fraud against the United States* and *Title 18 U.S.C. §1961 et seq.;* *§1963* apply.
7. Separate, and not dependent upon, the above criminal violations of Federal law, the U.S. Government, as part of the purposeful scheme to defraud, has and continues to misappropriate intellectual property that is owned by FoodQuestTQ LLC. *18 U.S.C. § 654: US Code - Section 654: Officer or employee of United States converting property of another*, *18 U.S.C. § 641: US Code -*

Section 641: Public money, property or records, 18 U.S. Code § 2319 - Criminal infringement of a copyright; 35 U.S. Code § 271 - Infringement of patent; 18 U.S. Code § 1832 - Theft of trade secrets. By misappropriating FoodQuestTQ LLC owned intellectual property the U.S. government has violated *Article I* clause 8 (the “copyright and patent clause”) and *Amendment V* (the “takings clause”) of the United States Constitution. The misappropriation of FoodQuestTQ LLC intellectual property takes three forms: copyright infringement, patent infringement and the theft of trade secrets.

1. Copyright infringement: The U.S. Government is misappropriating previously copyrighted FoodQuestTQ LLC expressions of ideas that it does not own by:
 - a. Plagiarizing privately owned FoodQuestTQ LLC research to set national food safety policy. *18 U.S.C. § 654: US Code - Section 654: Officer or employee of United States converting property of another, 18 U.S.C. § 641: US Code - Section 641: Public money, property or records and 18 U.S. Code § 2319 - Criminal infringement of a copyright.*
 - b. Using the copyrighted expressions of ideas owned by FoodQuestTQ LLC to duplicate food safety products that are already commercially available. *18 U.S.C. § 654: US Code - Section 654: Officer or employee of United States converting property of another, 18 U.S.C. § 641: US Code - Section 641: Public money, property or records and 18 U.S. Code § 2319 - Criminal infringement of a copyright.*

- II. Patent infringement: The U.S. Government is misappropriating patented ideas that it does not own by:
 - a. Plagiarizing the privately owned research upon which the patented ideas are based. *Title 18 U.S.C. § 654: US Code - Section 654: Officer or employee of United States converting property of another, 18 U.S.C. § 641: US Code - Section 641: Public money, property or records, 18 U.S. Code § 2319 - Criminal infringement of a copyright and 35 U.S. Code § 271 - Infringement of patent.*
 - b. Using these patented ideas to duplicate U.S. Government versions of FoodQuestTQ LLC food safety risk management software products. *Title 18 U.S.C. § 654: US Code - Section 654: Officer or employee of United States converting property of another, 18 U.S.C. § 641: US Code - Section 641: Public money, property or records, and 35 U.S. Code § 271 - Infringement of patent.*

- III. Theft of Trade Secrets: The U.S. Government has misappropriated trade secrets developed by FoodQuestTQ LLC to reduce copyrighted research and patented ideas to commercial practice by:
 - a. Breaching an express contract to maintain the confidentiality of privately owned trade secrets. *22 CFR 130.15: Confidential business information and 18 U.S.C. 1905 apply.*

- b. Using the patented ideas and copyrighted expressions of those ideas to duplicate FoodQuestTQ LLC food risk management software. *18 U.S.C. § 654: US Code - Section 654: Officer or employee of United States converting property of another, 18 U.S.C. § 641: US Code - Section 641: Public money, property or records, and 18 U.S. Code § 1832 - Theft of trade secrets.*

- c. Broadly publishing the trade secrets as contained in duplicated versions of U.S. Government products that are being provided to the food industry free of charge. *18 U.S.C. § 654: US Code - Section 654: Officer or employee of United States converting property of another, 18 U.S.C. § 641: US Code - Section 641: Public money, property or records, and 18 U.S. Code § 1832 - Theft of trade secrets.*