Office of the Secretary



Washington, D.C. 20201

Case No. 2014-0822 EW

August 13, 2014

Mr. John H. Hnatio FoodQuestTQ 4720 Hayward Drive Frederick, MD 21702

Dear Mr. Hnatio:

This is in response to your March 17, 1014, Freedom of Information Act (FOIA) request for all documentation regarding Dale Berkeley's 1) certification to practice law including what states and jurisdictions of the United States; 2) proof of yearly ethics training while in the employ of the US Government; 3) any record of violations of ethics laws and rules while an employee of the US Government; 4) any records regarding Mr. Berkley's standing before the Bar including past debarment actions or considerations, and 5) any record that show Mr. Berkley contacted the Department of Health and Human Services Inspector General to report allegation by FoodQuestTQ LLC that employees of the Food and Drug Administration were violating the provisions of Title 18, USC and other statutes as required by law.

The Department of Health & Human Services (HHS) Office of General Counsel forwarded your request to the HHS Food & Drug Administration's (FDA) Office of General Counsel (OGC) who performed a search and located 7 (seven) pages of responsive records to your request, which are enclosed. I have determined to withhold portions of the released records under FOIA exemption (b)(6). The OGC did not locate any records responsive to the other portions of your request.

The FOIA exemption (b)(6) permits the withholding of information which, if released, would constitute a clearly unwarranted invasion of personal privacy. In this case, the information withheld consists of personal identifiers (names) outside of the scope of this request.

While we believe that an adequate search of appropriate files was conducted for the records you requested, you have a right to appeal the finding that no records exist in the Office of the Secretary that would be responsive to your request. You may also appeal if you believe that the withheld information should not be exempt from release. Your appeal must be mailed within 30 days from the date of receipt of this letter, to the Director, News Division, U.S. Department of Health and Human Services, Mary E. Switzer Building, 330 C Street, SW, Room 2206, Washington, DC, 20201. Clearly mark both the envelope and your letter "Freedom of Information Act Appeal."

Sincerely,

WA.M.

Michael S. Marquis Director FOI/Privacy Acts Division

Enclosure

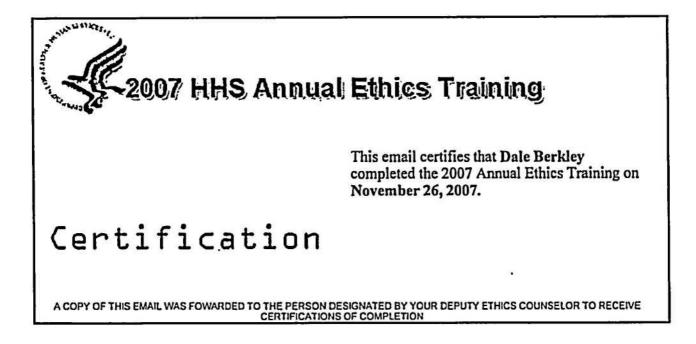
Nemes, Karen (NIH/OD) [E]

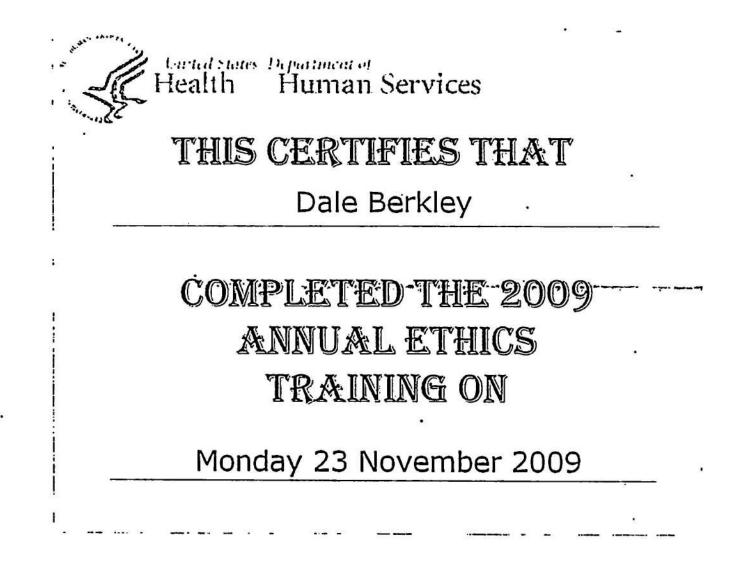
From: Berkley, Dale (NIH/OD) [E]

Sent: Monday, November 26, 2007 4:50 PM

To: Nemes, Karen (NIH/OD) [E]

Subject: FW: Dale Berkley 2007 Annual Ethics Training Completion:





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Berkley	Completed in	puoon 9/23

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Nemes, Karen (NIH/OD) [E]

From: Sent: To: Subject: Berkley, Dale (NIH/OD) [E] Monday, December 02, 2013 4:03 PM Nemes, Karen (NIH/OD) [E] RE: When you get a chance, can you send me the completion certificate for your ethics training.

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This is to certify that: Dale Berkley						
successfully completed HHS-2013AET IHIS 2013 Annual Ethics Tr	aioiog			and word land		
11/12/2013				and the state of the		
Dale D. Berkley, Ph.D., J.D. Office of the General Counsel, PHD, NIH Branch Bidg. 31, Rm. 47 Bethesda, MD 20892 301-496-6043 301-402-2528(Fax) This message is intended for the exclusive use of the recipient(s) named above distributed, or copied to persons not authorized to receive such information.	• re. It ma) ay contain Inform	nation that is PROTE	-	and it should not be disse	minated,
	23					1212

From: Nemes, Karen (NIH/OD) [E] Sent: Monday, December 02, 2013 3:29 PM To: Berkley, Dale (NIH/OD) [E] Subject: When you get a chance, can you send me the completion certificate for your ethics training.