



DEPARTMENT OF HEALTH & HUMAN SERVICES

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, 2014, 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. Berkeley's standing before the Bar including past debarment actions or considerations, and 5) any record that show Mr. Berkeley 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,

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:



2007 HHS Annual Ethics Training

This email certifies that **Dale Berkley** completed the 2007 Annual Ethics Training on **November 26, 2007.**

Certification

A COPY OF THIS EMAIL WAS FOWARDED TO THE PERSON DESIGNATED BY YOUR DEPUTY ETHICS COUNSELOR TO RECEIVE CERTIFICATIONS OF COMPLETION



United States Department of
Health Human Services

THIS CERTIFIES THAT

Dale Berkley

COMPLETED THE 2009

ANNUAL ETHICS

TRAINING ON

Monday 23 November 2009

Ethics Training 2011

Date
Due:

Berkley	<i>Completed in person 9/23</i>

Nemes, Karen (NIH/OD) [E]

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



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Dale D. Berkley, Ph.D., J.D.
Office of the General Counsel, PHD, NIH Branch
Bldg. 31, Rm. 47
Bethesda, MD 20892
301-496-6043
301-402-2528(Fax)

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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.