

June 23, 2014



Ms. Miriam Nisbet  
Director  
Office of Government Information Services  
The U.S. National Archives and Records Administration  
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College Park, MD 20740-6001  
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SUBJECT: Destruction of Evidence by the Food and Drug Administration (FDA) and Department of Health and Human Services (DHHS)

Dear Ms. Nisbet:

In prior letters, we explained that we are a small company being forced out of business by DHHS and the FDA who are unfairly competing against us by duplicating “in-house” our commercial products and “blacklisting” our small business within the food industry.

We recently sent you the attached June 16, 2014, brief that describes several instances where the FDA and DHHS violated Title 5 U.S.C. §552, the Freedom of Information Act (FOIA), in order to intentionally obstruct the release of documents that implicate U.S. Government employees in felonious criminal conduct.

For example, our company uses a commercial e-mail monitoring service that demonstrates FDA employees have opened, forwarded or commented on documents generated by FoodQuestTQ LLC nearly 1000 times over the past eighteen months. The FDA and DHHS denied the existence of these documents even after they were confronted with electronic proof of their existence.

In a recent letter we were informed that in calculating the search for the records we requested, DHHS actually allowed employees directly implicated in possible felonious conduct to search their own e-mail records for evidence of their own alleged wrongdoing. Thus, we are concerned that the DHHS and the FDA are destroying official U.S. Government e-mails and e-mail strings that will directly implicate U.S. Government employees in the wide-scale blacklisting of our company within the Federal Government and the food industry and other felonious crimes.

The purpose of this letter is to request that all archival and current electronic records in FDA and DHHS databases that could in any way relate to the matter of FoodQuestTQ LLC be maintained pursuant to the Federal Records Act of 1950 (Chapter 33 of Title 44, United States Code) and not be deleted, altered or destroyed since they may represent evidence of felonious criminal activity.

This request includes preventing DHHS and the FDA and contracted agents, e.g., Battelle Memorial Institute, Valbrea Technologies, Leavitt Partners, the Acheson Group, TYCO Integrated Security Systems, etc., from periodically “cleansing” e-mail accounts on central servers for any and all employees of the FDA and DHHS and their contracted agents that have initiated, received or distributed any electronic

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record including e-mails and resulting e-mail strings that relate in any way to the matter of FoodQuestTQ.

We welcome your speedy intervention in this matter because we are very concerned that DHHS, FDA employees and their contractors are now be in the process of destroying evidence of wrongdoing to obstruct justice in the matter of FoodQuestTQ LLC.

Thank-you very much for your assistance and if you have any questions please feel free to contact me directly.

Sincerely yours,



John Hnatio, EdD, PhD  
Chief Science Officer

(1) Attachment: June 16, 2014 Brief for OGIS

Distribution:

Mr. Brian Castro, NOSB, SBA  
Ms. Sylvia Mathews-Burwell, Secretary, DHHS  
Mr. William Hall, DHHS  
Representative John Delaney, MD  
Senator Chuck Grassley, IA  
Representative Sam Graves, MO  
Ms. Margaret Hamburg, Commissioner, FDA  
Ms. Sarah Kotler, FDA  
Senator Mary Landrieu, LA  
President Barack Obama, The White House  
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