

FREEDOM OF INFORMATION ACT REQUEST 4-10-2014

Food and Drug Administration
Division of Freedom of Information
Office of the Executive Secretariat, OC
12420 Parklawn Drive
ELEM-1029
Rockville, MD 20857



Via E-mail

April 10, 2014

This request is made pursuant to 5 USC §552 (Freedom of Information Act).

The Food and Drug Administration (FDA) has pirated our copyrighted research, patent and trade secrets to plagiarize and duplicate our suite of computer driven software tools designed to enhance food safety and food defense.

Please provide documentation relating to the employment and specific working assignments of Food and Drug Administration employee Mr. Colin Barthel from the time of his employment with the FDA in February 2013 to the current time. Mr. Barthel is a former employee of Battelle Memorial Institute who was directly engaged in the duplication of FoodQuestTQ's commercial line of software tools.

In February 2013, Mr. Barthel was hired as a Policy Analyst in the Food Defense and Emergency Coordination Staff (FDECS) in the Center of Food Safety and Applied Nutrition (CFSAN). The FDECS is responsible for coordination and implementation of policies, regulation, outreach, and awareness of the food defense and economically motivated adulteration issue areas.

Mr. Jody Menikheim, who was also directly engaged in the duplication of FoodQuestTQ's commercial line of software tools, serves as Director, Food Defense and Emergency Coordination Staff, Office of Analytics and Outreach, Center for Food Safety and Applied Nutrition, Food and Drug Administration (FDA) and was one of the hiring authorities involved with Mr. Barthel's subsequent employment with the FDA.

Executive Order 13490 of January 21, 2009, entitled ***Ethics Commitments by Executive Branch Personnel*** Section 1., subparagraph 2., specifically prohibits appointees entering government service from directly and substantially participating in matters related to former clients and we quote:

2. ***Revolving Door Ban—All Appointees Entering Government.*** I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.¹

¹ Executive Order 13490 dated January 21, 2009, entitled ***Ethics Commitments by Executive Branch Personnel***, President of the United States Barack Obama, The White House, Washington DC, as retrieved from the World Wide Web on April 10, 2014, at: [http://www.oge.gov/Laws-and-Regulations/Executive-Orders/Executive-Order-13490-\(Jan--21,-2009\)---Prescribing-Standards-of-Ethical-Conduct-for-Government-Officers-and-Employees/](http://www.oge.gov/Laws-and-Regulations/Executive-Orders/Executive-Order-13490-(Jan--21,-2009)---Prescribing-Standards-of-Ethical-Conduct-for-Government-Officers-and-Employees/)

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We are requesting any and all documents relating to the employment of Mr. Colin Barthel by the Food and Drug Administration. In particular, we are interested in receiving any and all e-mails, e-mail strings, documents, calendar appointments and any other material whether in written or electronic form where Mr. Barthel has engaged in any way with Battelle Memorial Institute since the time he was employed by the FDA in February 2013, to the current time.

We request expedited processing since the results of this request may indicate the existence of gross fraud waste and abuse in the Food and Drug Administration. The existence of gross fraud waste and abuse involving employees responsible for the safety and security of the U.S. food supply represents a real and imminent threat to the safety of the U.S. public.

We also request that fees for providing the above information be waived based on the requestor's status as a free-lance journalist who intends to broadly publish the results of this Freedom of Information Act request.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Hnatio". The signature is written in a cursive style with a large initial "J".

John H. Hnatio, EdD, PhD
Chief Science Officer

cc: Mr. Dan Levinson, OIG-HHS
Mr. William Straub, Director, OGE
Mr. Walter S. Harris, FDA
Mr. Vincent R. Tolino, FDA
Mr. Colin Barthel, FDA
Mr. Jody Menikheim, FDA