

Walter M. Shaub, Jr.  
Director  
U.S. Office of Government Ethics  
1201 New York Avenue, N.W.  
Suite 500  
Washington, D.C. 20005



**Via e-mail**

April 20, 2013

Dear Mr. Shaub:

We are a small business located in Frederick, Maryland. We are writing to you on behalf of all of the taxpayers of this nation to ask for your help.

Before writing to you we studied the U.S. Office of Government Ethics mission and legislative authority. For example, at your official government website it states,

*The mission of the U.S. Office of Government Ethics (OGE) is to foster high ethical standards for executive branch employees and strengthen the public's confidence that the Government's business is conducted with impartiality and integrity...OGE...is the agency that provides overall direction, oversight, and accountability of Executive Branch policies designed to prevent and resolve conflicts of interest. OGE is also charged with promoting high ethical standards for Executive Branch employees.*

Prominently displayed at your website is what your agency does not do, namely,

*OGE has no role in the ethics programs of the legislative or judicial branches of the federal government...OGE does not conduct investigations and cannot represent citizens in legal matters.*

We are also fully aware of the responsibilities of the various Inspectors General the Federal Bureau of Investigation, and the Department of Justice to conduct criminal investigations.

It is in the above context, we are asking you to engage in an objective and impartial **policy oversight review** of the Department of Health and Human Services' (HHS) and the Food and Drug Administration's (FDA) adherence to the provisions set forth in Ethics in Government Act of 1978 which also mandates authority to your office for the policy oversight and policy enforcement of the provisions of Executive Order 12674 and 5CFR Part 2635, especially Subparts A., E. and G. and numerous other aspects of existing administrative law and statute all of which relates to the ethical conduct of federal employees.

**To be very clear, we are not asking your office to represent us in any legal matter, we are not asking you to engage in the “day-to-day” operations of implementing the ethics programs of any federal agency and we are not asking you to conduct a criminal investigation.**

Instead, we are asking the U.S. Office of Government Ethics to do its job of assuring that federal agencies of the government are adhering to the policy provisions set forth under the Ethics in Government Act of 1978, which also mandates authority to your office for the policy oversight and policy enforcement of the provisions of Executive Order 12674 and 5CFR Part 2635, especially Subparts A., E. and G. and numerous other aspects of existing administrative law and statute relating to the ethical conduct of federal employees.

Our request for a policy oversight review of the ethics programs at HHS and the FDA is made in the following context. Federal employees at HHS and FDA are currently engaging in highly unethical conduct that can serve to shake the confidence of the American people that their federal government is acting in a fair and impartial manner. As a retired federal employee with 30 years of service who now owns a small business, I have never seen unethical conduct and lack of accountability rise to such a level in any federal agency. Both HHS and FDA are having an integrity crisis that can have a devastating impact on the confidence of the American people in the FDA- the same agency responsible for the safety of the drugs we all use and the foods we all eat.

At FoodQuestTQ we are a small business that produces risk management software to help the food industry produce safe food for the American people to eat. Government employees of the FDA are stealing our intellectual property, duplicating our commercial products and marketing them for free to industry in order to force us out of business. HHS, instead of conducting a good faith review of the matter, has joined league with their colleagues at the FDA to mount a legal defense of their own unethical conduct instead of working with us to fairly resolve the matter.

Among the overwhelming evidence of unethical conduct includes actions by FDA employees to steal confidential proprietary information with impunity, publicly endorsing our competitor's products in reprisal for FoodQuestTQ's refusal to go along with their wrongdoing and engaging in the "blacklisting" of our company within the U.S. Food industry.

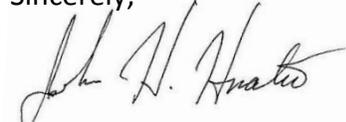
Please find attached a recent letter I sent to Secretary Sebelius which provides additional information detailing the issues in this case.

Earlier we contacted your office and asked for your help. In response to our request we were told by your office that you do not get involved in cases like ours. My question is this, **"If the American taxpayer cannot rely of the Office of Government Ethics to make sure that its own policies are being followed then how we can possibly expect employees of the federal government to act with the highest possible integrity?"**

We are hoping that you will reconsider the facts here and conduct an independent and objective policy oversight review to assure that the current unethical practices at the FDA and HHS are immediately stopped by enforcing your own U.S. Office of Government Ethics policies.

If I can answer any questions or if you need any further information please feel free to contact me at 240-439-4476 ext. 11. I look forward to talking with you.

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" and "H".

John H. Hnatio, EdD, PhD  
Chief Science Officer

cc: Ms. Elahe Zahirieh, NOSB  
Secretary Sebelius, HHS