

FREEDOM OF INFORMATION ACT REQUEST 3-17-1014

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



March 17, 2014

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. The FDA has also acted to violate procurement integrity laws through the use of “pass through” contracts to Battelle Memorial Institute and Valbrea Technologies.

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

Please provide documentation relating to the employment and working assignments of Food and Drug Administration employee Mr. Colin Barthel from the time of his employment to the current time. Mr. Barthel is a former employee of Battelle Memorial Institute who was 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 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) was one of the hiring authorities for 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

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 all e-mails, documents and any other activities where Mr. Barthel has engaged with Battelle Memorial Institute since he was employed by the FDA in February 2013.


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/)

FREEDOM OF INFORMATION ACT REQUEST 3-17-1014

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,



John H. Hnatio, EdD, PhD
Chief Science Officer

cc: Dan Levinson, OIG-HHS
Mr. William Straub, Director, OGE
Mr. Colin Barthel, FDA
Mr. Jody Menikheim, FDA