

Mr. Robert C. Bernius
Vice Chairman
District of Columbia Board on Professional Responsibility
430 E Street, N.W. (Suite 138)
Washington, DC 20001



November 21, 2014

REF: Berkley/Hnatio, 2014-U223
Dickinson/Hnatio, 2014-U223

Dear Mr. Bernius:

Thank-you for very much for your letter of November 17, 2014.

We disagree with your conclusion that no direct and actual conflict of interest has occurred in this matter. When Mr. Yaffe referred our complaint directly back to the D.C. Office of Bar Counsel after our specific request for an independent review he did, in fact, act to create a direct and actual conflict of interest.

Moreover, we are not at all surprised that you could find no evidence in the files of the Office of D.C. Bar Counsel memorializing communications with attorneys at the Department of Health and Human Services (DHHS) and the Food and Drug Administration (FDA). Improper back channel communications that constitute a conflict of interest are seldom documented by the persons guilty of the wrongdoing in the first place. In most cases, the truth can only be ferreted out by a thorough investigation by an independent authority.

Lastly, we no longer share your confidence in the integrity of the D.C. Office of Bar Counsel to objectively do their job. For this reason, we are reluctant to release any further information to them without the consent of Chief Judge Washington. To this end, we will be contacting Chief Judge Washington to ask for his concurrence before we release any further information to the Office of the D.C. Bar Counsel. Thank-you.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Hnatio".

John Hnatio, EdD, PhD
Chief Science Officer

cc:

The Honorable Eric T. Washington
Mr. Wallace E. Shipp, Esq.
Mr. Eric Yaffe, Esq.