

Eric. L. Yaffe, Chairman
Board on Professional Responsibility
430 E Street NW
Suite 138
Washington, DC 20001



October 9, 2014

REF: Allegations of Professional Misconduct by Mr. Dale Berkley, ESQ, and Ms. Elizabeth Dickinson, ESQ

Dear Mr. Yaffe:

The purpose of this letter is to request that the Board on Professional Responsibility conduct a complete and independent investigation of the allegations of unethical conduct previously filed with the D.C. Office of Bar Counsel (DCOBC) against Mr. Dale Berkley, ESQ, and Ms. Elizabeth Dickinson, ESQ, and to report the possible corruption of the DCOBC itself.

On July 1, 2014, we filed a complaint against Mr. Dale D. Berkley of the Office of General Counsel (OGC) of the Department of Health and Human Services (DHHS) with the DCOBC. A copy the complaint is attached. This complaint was followed by complaints against Ms. Elizabeth Dickinson, Chief Counsel of the Food and Drug Administration (FDA) and Ms. Ariel Seeley, staff counsel to Ms. Dickinson. These complaints were filed on September 10, 2014 (copy attached).

On September 24, 2014, Ms. Elizabeth Herman, Deputy Bar Counsel, DCOBC, sent us a letter stating that Ms. Seeley was licensed to practice law in the State of New York and therefore fell outside of the jurisdiction of the DCOBC. A copy of Ms. Herman's letter is attached. Please be advised that we have filed a separate complaint against Ms. Seeley with the Third Department Committee on Professional Standards for the State of New York. A copy of this complaint is attached.

In her letter, Ms. Herman advises that "Absent a finding of misconduct...by a court, or tribunal or the criminal conduct you allege..." that the Office of D.C. Bar Counsel will not open an investigation of the serious allegations of unethical conduct against Mr. Berkley and Ms. Dickinson. On September 30, 2014, after careful consideration, we wrote a letter to the DCOBC expressing our surprise at Ms. Herman's decision. A copy of our letter is attached.

We explained to Ms. Herman that in our system of justice criminal conduct and ethical violations frequently go unprosecuted. Civil outcomes do not always address criminal and ethical misconduct. We further explained that this is why the legal profession established organizations such as the D.C. Office of Bar Counsel and other similar organizations throughout the nation to independently "self-police" the ethical conduct of practicing attorneys.

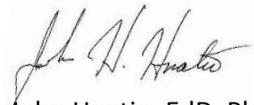
Moreover, the actions of the DCOBC in this matter raise the serious specter that they may have engaged in a direct and actual conflict of interest by colluding with U.S. Government attorneys from the Office of General Counsel, DHHS and the Office of Chief Counsel, FDA as part of their decision not to investigate the serious allegations being made against Mr. Berkley and Ms. Dickinson. If this is so, then the DCOBC, itself, may now be guilty of obstructing justice in this matter.

I have sought the permission of the Federal Bureau of Investigation (FBI) to share directly with you the serious allegations upon which we are bringing our complaints against Mr. Berkley and Ms. Dickinson. We are providing the attached report to you with the understanding that it is to be treated as confidential information and protected from any dissemination outside of your immediate office and, even then, only to those specific persons necessary to oversee this matter. Please have the close circle of staff you select to work on this matter contact me directly and I will issue an invitation for them to directly access the computer database of supporting exhibits.

We ask that under no circumstances should the attached report that was prepared at the request of the FBI be shared with Mr. Shipp, Ms. Herman or any other member of the DCOBC staff since it appears that they may have entered into a direct and actual conflict of interest in this matter by colluding with the FDA, Office of Chief Counsel and the Office of General Counsel, DHHS as they determined not to conduct an investigation of this matter.

Thank-you for the important work you do on behalf of the American people to maintain the public trust in the ethical conduct of practicing attorneys.

Sincerely yours,



John Hnatio, EdD, PhD
Chief Science Officer

SA Joseph Marinko, FBI
Elizabeth J. Branda, Executive Attorney, DCBPR
Ms. Elizabeth Herman, Deputy Bar Counsel, DCOBC (w/o attachments)
Ms. Elizabeth Dickinson, Chief Counsel, FDA (w/o attachments)
Mr. Dale Berkley, Senior Attorney, DHHS (w/o attachments)
Ms. Ariel Seeley, Staff Counsel, FDA (w/o attachments)

List of attachments:

1. Formal complaint against Mr. Dale D. Berkley, ESQ, to the DCOBC, dated July 1, 2014
2. Formal complaints against Ms. Elizabeth Dickinson, ESQ, and Ms. Ariel Seeley, ESQ, to the DCOBC, dated September 10, 2014
3. Letter from Ms. Herman, ESQ, DCOBC refusing to investigate allegations of professional misconduct by Mr. Dale Berkley and Ms. Dickinson, dated September 24, 2014
4. Letter of response to the DCOBC, dated September 30, 2014
5. Formal complaint against Ms. Seeley, ESQ, with the Third Department Committee on Professional Standards for the State of New York dated October 5, 2014
6. Report requested by the FBI detailing the allegations against Mr. Berkley and Ms. Dickinson