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September 22, 2014

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CONFIDENTIAL

John H. Hnatio, Ed.D, Ph.D
FoodQuestTQ, LLC
4720 Hayward Drive
Frederick, MD 21702

Re: **Berkley/Hnatio**
Undocketed No. 2014-U223

Dear Mr. Hnatio:

This office is in receipt of the disciplinary complaint that you filed against Dale D. Berkley, Esquire. On September 10, 2014, you faxed correspondence to our office where you state that you wanted to add Elizabeth Dickinson, Esquire, and Ariel Seeley, Esquire to the complaint.

You state that in March of 2013, Mr. Berkley, Ms. Dickinson, and Ms. Seeley were directly provided with written allegations of felonious crimes conducted by employees of the Food and Drug Administration ("FDA"). You state that Mr. Berkley colluded with Ms. Dickinson and Ms. Seeley to conceal the commission of the crimes by knowingly, willfully, and intentionally entering into a conflict of interest to conduct an unlawful investigation of the matter. You state that the Department of Health and Human Services subsequently extended attorney-client privilege to the same employees that were allegedly involved in the criminal conduct. You also state that the United States government has engaged in spoliation of evidence.

A review of our membership records indicates that Ms. Seeley is not a member of the District of Columbia Bar. Therefore, we have no jurisdiction over your complaint against her. It appears that Ms. Seeley is licensed to practice law in the state of New York. Therefore, you may wish to contact the Third Department Committee on Professional Standards in New York at the following address:

Mr. John H. Hnatio, Ed.D, Ph.D
Berkley/Hnatio
Undocketed No. 2014-U223
Page 2

Committee on Professional Standards
286 Washington Avenue Extension
Suite 200
Albany, NY 12203
(518) 285-8350

As to your complaints against Mr. Berkley and Ms. Dickinson, we decline to open a formal investigation at this time. It appears that your concerns are civil and criminal, and would be best handled first by the appropriate Courts, tribunal, or agency. Absent a finding of misconduct by a court or tribunal, or a criminal conviction of the conduct that you allege against them, we decline to open a formal investigation and have closed our file.

Please write to us again, if a Court or tribunal makes a finding of misconduct about Mr. Berkley or Ms. Dickinson or if either of them is convicted of the crimes that you allege against them.

Accordingly, we decline to proceed with our preliminary inquiry and have closed our file.

We thank you for bringing your concerns to our attention.

Sincerely,



Elizabeth A. Herman
Deputy Bar Counsel

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