

Mr. Brian Castro
National Ombudsman and Assistant Administrator for
Regulatory Enforcement Fairness
U.S. Small Business Administration
409 3rd St, SW
Washington DC 20416



November 6, 2013

REFERENCE: Case No. 1303150001

Dear Mr. Castro:

Several months ago we filed a complaint with the National Ombudsman for Small Business (NOSB) regarding the unfair treatment our small company, FoodQuestTQ LLC, was receiving at the hands of the Food and Drug Administration. The case number for our complaint is referenced above.

In our case, we brought to the attention of your office that the Food and Drug Administration (FDA) stole our ideas, duplicated our products and then gave them away to industry free of charge. The actions of the FDA decimated FoodQuestTQ LLC's sales and we are still struggling to survive.

The matter was then elevated to the Office of General Counsel of the Department of Health and Human Services where it was simply dismissed. Later, we learned that personnel within the FDA had visited our "MailChimp" account and opened and distributed hundreds of messages concerning our company.

Our concerns about "blacklisting" by the FDA and the Department of Health and Human Services (DHHS) were further elevated by recent feedback we received from one of our congressman's staff. The comments made about FoodQuestTQ LLC and our management to congress were simply untrue and defamatory.

Recently, we prepared a You Tube presentation to update you and your advisory team about both FDA and HHS continuing reprisals against us as we try to defend ourselves from unfair competition by the federal government against small businesses across the nation. The link to the presentation appears here: <http://www.youtube.com/watch?v=9x2Sxr4NjQ8b>

In our e-mail to your advisors we requested that they inform small businesses **NOT** to file any complaints against federal agencies to your office. The reason is that the NOSB "no reprisals" policy is meaningless.

For example, in our case HHS merely dismissed the matter and then untruthfully characterized the nature of their "investigation." They have subsequently told congressional staff that they broke no explicit law when they stole our ideas, duplicated our products and then gave them away to industry free of charge. They steadfastly maintain that their actions are acceptable because they have broken no explicit law.

Moreover, FDA and HHS told congressional staff that they will continue their practice of developing software tools and give them to industry free of charge regardless of the devastating consequences for small companies like FoodQuestTQ LLC and their owners.

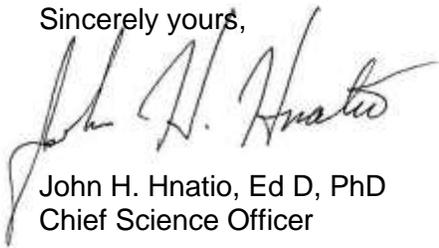
To mislead small businesses that they do not have to fear reprisals for filing complaints is wrong. In fact, the process can badly back fire just like it did in our case.

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Unless, and until, the NOSB is granted the statutory authority to investigate and act upon the type of actions being taken by agencies of the Federal Government like FDA and HHS we respectfully request that your office honestly inform small businesses that they face a significant risk of reprisal by filing any complaint with the Office of the NOSB.

Thank-you for considering this request.

Sincerely yours,

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, Ed D, PhD
Chief Science Officer