

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 17, 2013

REFERENCE: Case No. 1303150001

Dear Mr. Castro:

Thank-you very much for sending us your e-mail of November 15, 2013 (copy attached). We want you to know that we also, greatly appreciate the services of the ten small business advisory boards across the country and all of the individuals across the nation that support the American dream of owning a small business.

We came to the Office of the National Ombudsman for Small Business (NOSB) nine (9) months ago after the Food and Drug Administration (FDA) stole our small company's ideas and hired Battelle Memorial Institute to duplicate, at taxpayer's expense, the same products that our little company was already selling to industry.

As you are aware, the intervention of your Office resulted in the escalation of our dispute with the federal government and our matter was raised from the Office of Chief Counsel FDA to the Office of General Counsel of the Department of Health and Human Services (HHS) for a fair resolution. Six (6) months ago, the Office of General Counsel HHS closed the matter stating that the government had violated no specific law and falsely alleged that our company refused to cooperate with their investigation of the matter.

Following that, the Office of the NOSB told us that there was nothing further that could be done in our case. With our sales undercut by the federal government's actions our small company was totally decimated. As a result of the situation, the members of our little company have had their lives totally destroyed. We have lost our life savings, one former member of the company recently lost his house, other members of the company are living under the constant fear of losing their homes, all of our financial reputations including our credit ratings have been destroyed and the list goes on and on.

Please understand that none of us at FoodQuestTQ mean you any personal disrespect but the facts of the matter are that the Office of the NOSB was politically disinterested and otherwise impotent and simply watched from the sidelines as all of this was happening. The case of FoodQuestTQ demonstrates for all of the American people to see that the NOSB does not currently have the political will or the authority it must have in order to resolve the very simple question:

FoodQuestTQ LLC, 4720 Hayward Drive, Frederick, Maryland 21702 Telephone 240-439-4476 ext. 11

***Is it right for the federal government to compete directly with small businesses like FoodQuestTQ or not?***

That is why we are working with other small companies across the country that are being driven out of business by unfair government competition. Our initial goal is to make the American people aware of what is happening and the huge scope of the problem. This includes each of the the ten small business advisory boards across the country.

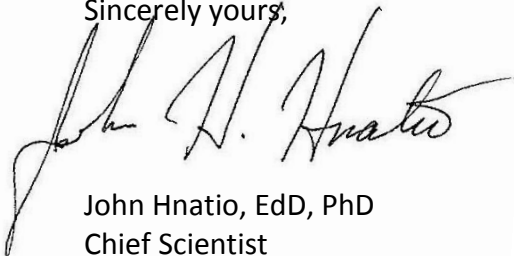
As you may already know, the problem is widespread with companies like FoodQuestTQ being forced out of business, others afraid to speak out for fear of reprisals from their government customers, unfair competition by tax exempt organizations and the list goes on and on. For example, we have recently joined forces with the Business Coalition for Fair Competition to work with literally thousands of small businesses across America that are being unfairly competed against by their own government.

In the above context, we believe it is imperative that small business owners recognize that the NOSB does not currently have the authority to assure that small companies will not suffer reprisals from the federal government if they submit complaints to your Office. Again, in our case the government has not been held accountable as they have systematically worked to defame our little company making our struggle to survive even harder. If t is happening in our particular case, it can happen to any small business.

We would very much like to work with you and the Office of the NOSB in a national effort to strengthen the authority of your Office to stop the federal government from forcing small companies out of business and to hold federal agencies accountable for taking reprisals against small companies like FoodQuestTQ when they report wrongdoing to your Office.

We would be happy to work with you to accomplish these critical goals. Perhaps, you are aware of better methods, i.e., other than “e-mail blasts”, to warn small businesses across the country that, as things currently stand, they cannot safely report wrongdoing without fear of reprisal. Please understand that we do not want to disrupt the important work of your Office or the Small Business Administration but rather support it. Please advise.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Hnatio". The signature is fluid and cursive, with a large initial "J" and "H".

John Hnatio, EdD, PhD  
Chief Scientist

## Copies of Mr. Castro's e-mail to John Hnatio on 11-15-2013

Dr. Hnatio: I would like to be able to assist you and am working to identify the best channel to do so, but in order for this Office to be effective, I must request that you refrain from blasting messages to the entire membership of each the ten Regional Regulatory Fairness Boards.

The dedicated volunteers who comprise these ten Regional Boards are themselves small business owners and serve without compensation as a public service for the benefit of the small businesses in their respective regions. I trust that you can appreciate the disruption that would result for them if their mailboxes were inundated with every one of the thousands of communications this Office receives from small business owners around the country. Moreover, it is entirely counterproductive to repeatedly copy every member of each Regulatory Fairness Board in every one of the SBA's ten regions as you have been doing. The statute creating this Office established separate boards for each region of the country to provide representation of the particularized interests of small businesses within each region.

Thank you for your cooperation.