

Mr. William Hall  
Director, News Division  
Mary E. Switzer Building  
U.S. Department of Health and Human Services  
Room 2206  
330 C Street S.W. Washington, DC 20201



June 28, 2014

REFERENCE CASE: 2014-0469 WW

Dear Mr. Hall:

This letter is in response to the June 20, 2014, letter we received from Mr. Michael Markis, Director, FOI/Privacy Acts Division, denying the release of the documents we requested pursuant to P.L. 89-554, 80 Stat. 378, 5 U.S.C. § 552 (Freedom of Information Act-FOIA).

The denial of records, in the instant case, is based on the unlawful extension of lawyer-client privilege by Mr. Dale Berkley of the Office of General Counsel (OGC), Department of Health and Humans Services (DHHS), to U.S. Government employees allegedly implicated in the commission of felonious Federal crimes.

Please be advised that Mr. Berkley cannot extend lawyer-client privilege to U.S. Government employees, in order to conceal the commission of felonious crimes that he himself and others within DHHS and the Food and Drug Administration (FDA) are alleged to have committed.

In March 2013, written allegations of the commission of felonious crimes by various FDA employees were provided directly to Mr. Berkley who allegedly acted to conceal the commission of these felonies by abandoning his duty of good faith and fair dealing to mediate a dispute between FoodQuestTQ LLC and the FDA to mount a legal defense of the FDA officials alleged to be involved in criminal activities in the first place.

In lieu of a lawful inquiry based on his duty of good faith and fair dealing, it is alleged that Mr. Berkley did not report the allegations of criminal misconduct to the Office of Inspector General (OIG) embarked on an unlawful investigation in order to conceal Federal felonies committed by himself and other U.S. Government employees of the FDA.

It is also alleged that Mr. Berkley knowingly, willfully and intentionally engaged in a direct and actual conflict of interest to conduct an unlawful investigation that was intentionally prejudiced, not by his duty of good faith and fair dealing to mediate the dispute with FoodQuestTQ LLC, but rather to conceal the commission of felonious crimes by himself and other employees of the U.S. Government.

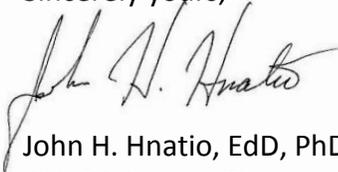
Mr. Berkley subsequently extended lawyer client privilege to the FDA employees involved in the wrongdoing in order to conceal the commission of felonious crimes by himself and other employees of the U.S. Government.

On June 25, 2014, we informed the Federal Bureau of Investigation (FBI) of the possibility that FDA and DHHS are engaged in actions to obstruct justice in the matter of *FoodQuestTQ LLC versus the Department of Health and Human Services and the Food and Drug Administration*.

Some of the allegations we reported to the FBI include the destruction of electronic records implicating DHHS and FDA employees in criminal misconduct, the unlawful investigation conducted by Mr. Berkley in order to conceal federal crimes and the unlawful extension of lawyer-client privilege by Mr. Berkley that is being used to prevent the proper release to FoodQuestTQ LLC of official U.S. Government records as requested pursuant to P.L. 89-554, 80 Stat. 378, 5 U.S.C. § 552.

Because of the serious ethical concerns that arise based on the allegations of possible criminal misconduct by Mr. Berkley in this case we are contacting the American Bar Association (ABA) about this matter in pursuit of disbarment actions.

Sincerely yours,



John H. Hnatio, EdD, PhD  
Chief Science officer

cc:

Mr. Brian Castro, NOSB, SBA  
Ms. Sylvia Mathews-Burwell, Secretary, DHHS  
Ms. Miriam Nisbet, OGIS  
Mr. James Comey, Director, FBI  
Mr. Stephen Vogt, FBI  
Mr. Joseph Marinko, FBI  
Mr. William Hall, DHHS  
Representative John Delaney, MD  
Senator Chuck Grassley, IA  
Representative Sam Graves, MO  
Ms. Margaret Hamburg, Commissioner, FDA  
Ms. Sarah Kotler, FDA  
Senator Mary Landrieu, LA  
President Barack Obama, The White House  
Mr. Brian Deese, Acting Director, OMB  
Senator Pat Leahy, VT

Mr. Daniel Levinson, OIG-DHHS  
Representative John Mica, FL  
Senator Barbara Mikulski, MD  
Senator Paul Rand, KY  
Senator Mark Warner, VA  
Representative Rob Wittman, VA  
Mr. Dale Berkley, OGC-HHS  
Mr. James Silkenat, President, ABA