

MARGARET BURNETTE, *Food and Drug Administration*

Margaret Burnette is a senior Food and Drug Administration (“FDA”) information technology (“IT”) official.¹ In December 2006, press reports revealed that the firm where her husband works was awarded FDA contracts for projects she was overseeing, raising conflict of interest concerns.²

Ms. Burnette began employment at the FDA in August 2003, when the FDA was developing a new data system to speed the processing time of industry applications to market new medical products. She was responsible for leading the search for a firm to develop the FDA’s new data system and backed her colleagues’ choice, a Maryland company called ProObject Inc.³

In April 2004 -- less than a year after she arrived at the FDA -- Ms. Burnette married technology consultant Mark A. Boster⁴ and was promoted to IT director.⁵ Around the same time, Mr. Boster joined the advisory board of Platinum Solutions Inc., a Virginia-based technology company that was eligible to win federal contracts without competition because it was recognized as a “disadvantaged, woman-owned company.”⁶ At Platinum Solutions, Mr. Boster was paid a retainer and fees for attending meetings.⁷

In mid-2004, Ms. Burnette began expressing displeasure with ProObject and instructed her deputy at the FDA to contact Platinum Solutions.⁸ According to Ms. Burnette, knowing that Platinum Solutions might bid to replace ProObject on the project, she wrote the first of several letters to FDA ethics officials in which she pledged to abstain from “procurement” related to the project.⁹ After abandoning the competitive-bidding process, the FDA awarded the contract

¹ FDA: Conflict-of-Interest Concerns for Married Couples Examined, *American Health Line*, December 19, 2006. (Exhibit 1)

² Id.; see also David Willman and Walter F. Roche Jr., Family Tie Helps Win FDA Contract, *Los Angeles Times*, December 19, 2006. (Exhibit 2)

³ Willman and Roche, *The Los Angeles Times*, Dec. 19, 2006.

⁴ *American Health Line*, Dec. 19, 2006.

⁵ Willman and Roche, *The Los Angeles Times*, Dec. 19, 2006.

⁶ *American Health Line*, Dec. 19, 2006; Williams and Roche, *The Los Angeles Times*, Dec. 19, 2006.

⁷ Id.

⁸ Id.

⁹ Id.

without competition to Platinum Solutions.¹⁰ By the fall of 2006, Platinum Solutions had collected approximately \$4 million from the FDA in connection with the project.¹¹ In April 2005, Mr. Boster was named chief operating officer and executive vice president of Platinum Solutions, at a higher salary and with the potential for even greater income based on increases in the company's revenue.¹² According to Ms. Burnette, as a result of Mr. Boster's promotion, she ended her involvement in the project in June 2005.¹³

Ms. Burnette claimed her involvement in the Platinum Solutions contracting matter was cleared by her supervisor, James Rinaldi, and other FDA officials.¹⁴ According to Mr. Rinaldi, however, in late 2004 he told Ms. Burnette that she was not supposed to participate "in anything that has to do with the project."¹⁵ He said he was not aware that Mr. Boster was being paid by Platinum Solutions.¹⁶ The FDA opened an internal ethics inquiry into the matter in 2004 and, according to Ms. Burnette and Mr. Boster, closed the inquiry in 2006 with no finding of wrongdoing.¹⁷ Platinum Solutions won a new, related FDA contract in November 2006, estimated to be worth millions more than the data system contract.¹⁸

In January 2007, a bipartisan group members of the House Energy and Commerce Committee opened an inquiry into "conflicts of interest in the Food and Drug Administration's contracting practices and the ability and willingness of the Agency to investigate allegations of improper practices."¹⁹ The committee sent a letter to the FDA on January 22nd requesting all records relating to the Office of Internal Affairs investigation of Ms. Burnette.²⁰

¹⁰ Williams and Roche, *The Los Angeles Times*, Dec. 19, 2006.

¹¹ Id.

¹² Id.

¹³ Id.

¹⁴ Williams and Roche, *The Los Angeles Times*, Dec. 19, 2006.

¹⁵ *American Health Line*, Dec. 19, 2006.

¹⁶ Williams and Roche, *The Los Angeles Times*, Dec. 19, 2006.

¹⁷ Id.

¹⁸ David Willman, Panel Starts FDA Probe, *The Los Angeles Times*, January 24, 2007. (Exhibit 3)

¹⁹ Letter from Congressmen John D. Dingell, Joe Barton, Bart Stupak, and Ed Whitfield, to Andrew C. Von Eschenbach, Commissioner, FDA (Jan. 22, 2007), available at http://energycommerce.house.gov/Press_110/110-ltr.012207.FDA.vonEschenbach.ltr.Burnette.pdf. (Exhibit 4)

²⁰ Id.