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Reno, NV 89521-7430
March 9, 2010

Administrator
NASA Headquarters
Washington, DC 20546

Appeal under the Freedom of Information Act to the NASA Response dated February 11, 2010 and received via email February 16, 2010.

Jed Margolin FOIA 10-HQ-F-00285

Filed: December 14, 2009

Sir:

This is an Appeal under the Freedom of Information Act to the NASA Response dated February 11, 2010 and received via email February 16, 2010 [*Appendix NA4 - NA15*] in FOIA Request 10-HQ-F-00285 filed December 14, 2009 [*Appendix NA16 - NA51*].

Because NASA's response was received on February 16, 2010 this appeal is timely.

Summary

In its tardy response to FOIA Request 10-HQ-F-00285 by Jed Margolin ("Margolin") NASA produced little that was responsive to his request.

Details

1. On December 14, 2009 Margolin sent a Freedom of Information Act Request via email to Denise Young, NASA Headquarters FOIA Officer. See NASA Appendix NA16. NASA Appendix NA18 - NA35 contains the attachment to the email.

He sent it using the "Request Read Receipt" tool available in Microsoft Outlook Express so he would have the assurance that NASA had received his FOIA request.

2. On the morning of December 15, after failing to receive confirmation that his email had been read he resent it to a different NASA FOIA email address. See NASA Appendix NA36.

Again, he sent it using the "Request Read Receipt" tool available in Microsoft Outlook Express.

3. On the evening of December 15, after again failing to receive conformation that his email had been read he sent it again. See NASA Appendix NA38. He sent it without the email attachment because of the possibility that NASA's email servers had been configured to reject emails containing attachments.

4. On December 16, after failing to receive confirmation that any of his previous emails had been read, he resent his FOIA request to a number of people at NASA, including Deputy Administrator Garver. See NASA Appendix NA40.

This time his email(s) were read [See NASA Appendix NA42 - NA51] except by Mr. Laraunce A. Fleming [See NASA Appendix NA45] who deleted it without reading it. Note that Margolin had not sent any of his emails to Mr. Fleming.

Presumably, the reason any of Margolin's emails were read was due to Deputy Administrator Garver's help.

5. Although Margolin's FOIA Request had been read, Margolin did not receive further communications from NASA until after he sent an email to NASA on February 4, 2010 asking NASA's intentions. See NASA Appendix NA52.

Dear NASA,

I filed a Freedom of Information Act Request on December 14, 2009. See the attached file.

As of this date:

I have not received any documents.

I have not received a request for an extension.

I have not received a FOIA case number.

Under the Freedom of Information Act 5 U.S.C. §552 (a)(6)(A) you had 20 days (excepting Saturdays, Sundays, and legal public holidays) to respond.

Today is day 35, not including weekends or legal public holidays.

Kindly do me the courtesy of confirming that you have no intention of complying with the Freedom of Information Act and that I have exhausted all of the administrative remedies that NASA has to offer.

If I do not receive a response to this email by the end of business tomorrow (Friday February 5) I will assume the answer is yes.

6. NASA's response [See NASA Appendix NA53] was extraordinary:

From: "Young, Denise (HQ-NB040)" <denise.young-1@nasa.gov>
To: "Jed Margolin" <jm@jmargolin.com>; "Garver, Lori B. (HQ-AB000)" <lori.garver@nasa.gov>; "HQ-FOIA" <hq-foia@nasa.gov>; <foiaoir@hq.nasa.gov>; "MARTIN, PAUL K. (HQ-WAH10)" <paul.k.martin@nasa.gov>; "Luna, Stella (JSC-AD911)" <stella.luna-1@nasa.gov>; "LARC-DL-foia" <LARC-DL-foia@mail.nasa.gov>
Cc: "McConnell, Stephen (HQ-NB040)" <stephen.mcconnell-1@nasa.gov>
Sent: Thursday, February 04, 2010 1:26 PM
Subject: RE: You have ignored my FOIA Request

Mr. Margolin-

This action is currently is currently being reviewed for legal concurrence; this action should be completed within the next couple days. We apology for the delay in this process; but we must adhere to our agency's processing procedures.

If we can of any additional assistance to you, please contact Steve McConnell, Chief FOIA Public Liaison Office, at 202.358.0068 or 877.627.3642; nasafoia@nasa.gov .

Denise Young

Headquarters, FOIA Public Liaison Officer
 National Aeronautics and Space Administration (NASA)
 300 E Street, S.W., Suite 5L57
 Washington, D.C. 20547-0001
 Phone: (202) 358-0701
 Fax: (202) 358-4345

What makes Ms. Young's response extraordinary is that, not only does it place NASA's "processing procedures" above 5 U.S.C. § 552 the Freedom of Information Act, it completely ignores the Freedom of Information Act.

Note that Ms. Young did not ask for an extension or give Margolin the FOIA case number.

7. In order to get the FOIA case number Margolin sent an email to Steve McConnell, Principal Agency FOIA Officer. See NASA Appendix NA55. Mr. McConnell replied that same day with the FOIA case number. See NASA Appendix NA57.

8. NASA finally responded to Margolin's FOIA Request on February 16, 2010 but it was mostly a non-response. See NASA Appendix NA4.

Dear Mr. Margolin:

This is our final initial release determination to your Freedom of Information Act request, dated December 15, 2009, subject: *FOIA Request – Take 2*.

We have conducted a search of the office specifically responsible for ‘patent infringements’; which is our Office of General Counsel. Even though you posed your request for agency records as questions, under the FOIA, federal agencies are provided guidance “that they are not required to answer questions posed as FOIA requests.”ⁱ

However, in an affirmative action towards seeking the records to your request we conducted a search which could answer those questions.ⁱⁱ

- Question #1: can be answered by providing you a copy of the log the Office of General Counsel maintains.
- Questions # 2-8 and 10: found ‘no records’, which would specifically provide you with a responsive answer to your questions.
- Question # 9: is seeking records not kept or maintained by this agency. However, you may wish to contact the General Accounting Office, which could have records relating to that specific question.

The following is a link to their agency’s FOIA office.

<http://www.gao.gov/foia.html>

- Question #11: Procurement Information Circular 08-12 The Federal Acquisition Regulations has internal standards of conduct, which is responsive to your request.

<http://www.hq.nasa.gov/office/procurement/regs/pic08-12.html>

You may appeal this initial determination to the NASA Administrator. Your appeal must be addressed to: Administrator, National Aeronautics and Space Administration, Mail Stop: 9Q42, 300 E Street, SW, Washington, DC 20546, and be identified clearly on the envelope and in the letter as an “Appeal under the Freedom of Information Act (FOIA). Also, include a copy of the request for the agency record, and a copy of the adverse initial determination and state, to the extent possible, the reasons why you believe the initial determination should be reversed. This must be sent to the Administrator with thirty (30) calendar days of the date of the receipt of this initial determination.

I trust this will be of assistance to you.

Sincerely,

Original Signed

Denise Young
Headquarters, Freedom of Information Act Officer

i Department of Justice, Office of Information Policy's Guide to the Freedom of Information Act. See e.g. *Zemansky v. EPA*, 767F.2d 569, 574 (9th Cir. 1985); *DiViaio v. Kelley*, 571 F.2d 538, 542-43 (10th Cir. 1978); *Barber v. Office of Info. & Privacy*, No. 02-1748, slip op. At 4 (D.D.C. Sept. 4, 2003)(holding that the agency "had no duty to conduct research or to answer questions"...; *Higgins*, 620 F. Suppl. At 21("[The] FOIA creates only a right of access to records, not a right to personal services.")

ii Department of Justice FOIA Update, Vol. V, No. 1 at 5 (advising that "while agencies do not have to create or compile new records in response to FOIA requests (whether formulated in question form or not), they should make good faith efforts to assist requesters in honing any requests for readily accessible records which are 'inartfully presented in the form of questions' (quoting *Ferri*, 645 F.2d at 1220)).

NASA characterized Margolin's FOIA Request as simply asking questions. It noted that it was under no obligation to answer questions, but would answer them anyway. Then it failed to answer any "questions."

This was Margolin's FOIA Request See NASA Appendix NA16]:

This request is made pursuant to the Freedom of Information Act.

I would like all documents that answer the following questions:

1. How many claims for patent infringement have been filed with NASA since January 1, 1999? This includes requests which NASA chose to handle as claims even if the person who submitted it had not intended it to be an official claim.
2. How many of the claims for patent infringement in paragraph 1 were affirmed by NASA?
3. How many of the claims for patent infringement in paragraph 1 were made by what NASA considers Independent Inventors?
4. What does NASA consider an Independent Inventor?
5. How many of the claims for patent infringement that NASA affirmed in paragraph 2 were filed by Independent Inventors?
6. How many of the claims for patent infringement in paragraph 1 were denied by NASA?
7. How many of the claims for patent infringement that were denied by NASA in paragraph 6 resulted in a Court action against NASA?
8. How many of the claims for patent infringement that were denied by NASA that resulted in a Court action against NASA in paragraph 7 were filed by Independent Inventors?

The following requests pertain to the attached file:

9. Page 03719, paragraph 2: Please send me document(s) referred to by GAO as “NASA’s procedures for administratively reviewing a claim of patent infringement ...”

10. Page 03721, last paragraph: What is the name of the Director of the Infringement Division?

Other:

11. Please send me documents relating to a standard of ethics or conduct for NASA contractors.

9. In general:

a. Margolin inartfully used the word “question” and thereby triggered NASA’s kneejerk response to the word. Perhaps he should have asked for “all documents related to the following:”

b. NASA’s attorneys should stop using old DOJ FOIA guidelines. NASA’s quoted sources appear to come from <http://www.justice.gov/oip/foi-upd.htm> . DOJ’s latest guidelines are at: http://www.justice.gov/oip/04_3.html

In any event, they seem to apply only to FOIA Requests made to DOJ. For example, in the DOJ Guidelines under Administrative Appeals:

You will be advised of your right to file an administrative appeal in the component's response containing the adverse determination. Ordinarily, your administrative appeal must be received within sixty days of the date of the component's determination letter. All appeals must be made in writing and addressed to:

Office of Information Policy
U.S. Department of Justice
Suite 11050
1425 New York Avenue, N.W.
Washington, D.C. 20530-0001

NASA has given Margolin only 30 days to file an appeal, and the address is different.

c. NASA’s attorneys are advised to read the directive issued by the President of the United States dated January 21, 2009. See NASA Appendix NA59:

Administration of Barack H. Obama, 2009
Memorandum on the Freedom of Information Act
January 21, 2009
Memorandum for the Heads of Executive Departments and Agencies

Subject: Freedom of Information Act

where the President ordered:

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The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve. In responding to requests under the FOIA, executive branch agencies (agencies) should act promptly and in a spirit of cooperation, recognizing that such agencies are servants of the public.

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA.

The presumption of disclosure also means that agencies should take affirmative steps to make information public. They should not wait for specific requests from the public. All agencies should use modern technology to inform citizens about what is known and done by their Government. Disclosure should be timely.

I direct the Attorney General to issue new guidelines governing the FOIA to the heads of executive departments and agencies, reaffirming the commitment to accountability and transparency, and to publish such guidelines in the Federal Register. In doing so, the Attorney General should review FOIA reports produced by the agencies under Executive Order 13392 of December 14, 2005. I also direct the Director of the Office of Management and Budget to update guidance to the agencies to increase and improve information dissemination to the public, including through the use of new technologies, and to publish such guidance in the Federal Register.

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[Filed with the Office of the Federal Register, 11:15 a.m., January 23, 2009]

NOTE: This memorandum was released by the Office of the Press Secretary on January 22, and it was published in the Federal Register on January 26.

Categories: Communications to Federal Agencies : Freedom of Information Act, memorandum.

Subjects: Freedom of Information Act.

DCPD Number: DCPD200900009.

The memo was obtained from GPO Access, a service of the government printing office at: www.gpoaccess.gov/presdocs/2009/DCPD200900009.pdf

The Attorney General of the United States issued new guidelines in a memorandum dated March 19, 2009. See NASA Appendix NA61.

The President's memo ends with the statement:

This memorandum does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Attorney General's memo ends with words to the same effect.

That's fine. Margolin is not asking for any additional rights. He is only asking that his existing rights be observed.

Margolin wishes to note that President Obama is NASA's BOSS.

Margolin also wishes to note that in the event he is forced to file a Complaint against NASA (again) NASA will be defended by an attorney who works for the Attorney General.

Now, the details.

10. We will start with the requests where NASA asserted:

- Questions # 2-8 and 10: found 'no records', which would specifically provide you with a responsive answer to your questions.

Questions 2-8 pertain to Request 1:

[1. How many claims for patent infringement have been filed with NASA since January 1, 1999? This includes requests which NASA chose to handle as claims even if the person who submitted it had not intended it to be an official claim.]

2. How many of the claims for patent infringement in paragraph 1 were affirmed by NASA?

NASA's assertion that it does not know (or have documents regarding) how many claims it affirmed lacks credibility.

NASA's answers to Requests 3, 4, and 5 can be lumped together.

3. How many of the claims for patent infringement in paragraph 1 were made by what NASA considers Independent Inventors?

4. What does NASA consider an Independent Inventor?

5. How many of the claims for patent infringement that NASA affirmed in paragraph 2 were filed by Independent Inventors?

NASA's assertion that it does not know (or have documents regarding) how many claims were affirmed lacks credibility.

Regarding what NASA considers an Independent Inventor, Margolin had a telephone conversation with Mr. Alan Kennedy of the Office of the General Counsel in June 2003. This is what Margolin recorded in his Contact Log:

Summary: He basically said that what most independent inventors have is junk and that since I am an independent inventor what I have is probably junk. If NASA evaluates it as a license proffer it will give it a pro forma rejection and I will file a claim anyway, so the same people who rejected it as a proffer will reject it as a claim, but in the process will have had to do more work, so to save them some work they will ignore the proffer and handle it as a claim.

Since Mr. Kennedy knew that Margolin was an Independent Inventor NASA must have some criteria for making that determination.

6. How many of the claims for patent infringement in paragraph 1 were denied by NASA?

NASA's assertion that it does not know (or have documents regarding) how many claims it denied lacks credibility.

7. How many of the claims for patent infringement that were denied by NASA in paragraph 6 resulted in a Court action against NASA?

NASA's assertion that it does not know (or have documents regarding) how many Court actions were taken against it for patent infringement lacks credibility.

8. How many of the claims for patent infringement that were denied by NASA that resulted in a Court action against NASA in paragraph 7 were filed by Independent Inventors?

Since NASA asserts it does not know (or have documents regarding) how many Court actions for patent infringement were taken against it or what it considers an Independent Inventor it comes under the same lack of credibility as its previous answers.

10. Page 03721, last paragraph: What is the name of the Director of the Infringement Division?

The attachment to Margolin's FOIA Request [See NASA Appendix NA20, last paragraph] contains the paragraph:

On February 26, 1997, the inventor contacted the NASA Administrator and complained that NASA had used his invention without his approval. The complaint was referred to the Director of the Infringement Division in the Office of the Associate General Counsel for Intellectual Property. After obtaining the inventor's approval, NASA docketed the matter as a "license to proffer" on March 7, 1997, giving NASA permission to send the patent to its various units to determine whether they had an interest in obtaining a license to use the technology. On July 30, 1997, the Director of the Infringement Division sent a letter to the inventor informing him that the agency had no interest in obtaining a license.

{emphasis added}

NASA's assertion that there are no records lacks credibility. The above record came from NASA.

If there is no longer someone with the title "Director of the Infringement Division" then who performs that function?

We have now disposed of the Requests where NASA asserts it found no records (2-8, 10).

11. Margolin's first Request was:

1. How many claims for patent infringement have been filed with NASA since January 1, 1999? This includes requests which NASA chose to handle as claims even if the person who submitted it had not intended it to be an official claim.

NASA responds:

- Question #1: can be answered by providing you a copy of the log the Office of General Counsel maintains.

The documents produced by NASA are in NASA Appendix NA4 - NA12. Because they are mostly empty space they will be reproduced here in the following single table.

I#	DATE REC'D.	CLAIMANT/COMPANY	DATE LTR SENT	GP#	STATUS	DATE CLOSED
214	2/11/1999	S. Chapman of Clemson U	4/14	99-37025	Acknowledgement Letter Sent	
			4/14	Patent Ordered from PTO		
			4/26	Patent Received from PTO		
			6/24	99-37045	Investigation Memo sent to Guy; Respond by 08/20/99	
215	10/14/1999	Louis Birbas/Ulysses Corporation	2/7	00-37005	Investigation Completed Letter sent to Birbas	
216	1/19/2000	Lemelson Foundation Partnership	1/27	00-37007	Acknowledgement Letter Sent	
			1/27	00-37008	Letter Sent to T.Byrnes (DOJ) for review and advice	
217	5/22/2000	W.Calvert	5/23	00-37052	Letter Sent to EF for his signature	
218	8/4/2000	Po Kee Wong			Ordered Two Patents on 8/9	
219	2/5/2001	Douglas E. Pittman/U.S. Controls and Services			Acknowledgement Letter Sent	
220	8/16/2001	Ramsey M. Al-Salam/ Perkins Co				
221	7/10/2001	Barry Herbert	7/10	02-37037	Acknowledgement Letter Sent	
222	6/10/2003	Jed Margolin				
223		(Harry's case mistakenly using a LP number)				
224	9/23/2003	Hale & Dorr re Galaxy Development LLC				
225	3/1/2003	Matthew P. Mitchell				
226	7/20/2003	William H. Grisham				
227	8/30/2004	Stephen D. Sawruk				
228	12/15/2004	V. Narsimba Reddy				
229	2/26/2007	Nagui Mankaruse, P.E./ Delta Engineers				
230	10/5/????	David R. Scott				

The log the Office of General Counsel maintains is remarkable for its incompleteness.

None of the claims are marked as closed, even though several demonstrably are. For example:

I#215 Louis Birbas/Ulysses Corporation (See file attached to Margolin's FOIA Request: NASA Appendix NA19)

I#222 Margolin (Related FOIA Request currently being litigated in U.S. District Court for the District of Nevada).

I#229 Nagui Mankaruse, P.E./Delta Engineers (See Appendix NA64)

Frankly, OGC's log is pathetic. It is strongly reminiscent of the deliberate incompetence that marks the sad history of NASA's Accounting difficulties. See the article **NASA's Continuing Lack of Accounting Controls** by Jed Margolin at

http://www.jmargolin.com/nasa/actn/nasa_accounting.htm

[reproduced in NASA Appendix NA65]

12. Margolin's Request 9 pertains to the file he attached to his request. See NASA Appendix NA18:

9. Page 03719, paragraph 2: Please send me document(s) referred to by GAO as "NASA's procedures for administratively reviewing a claim of patent infringement ..."

NASA responds:

- Question # 9: is seeking records not kept or maintained by this agency. However, you may wish to contact the General Accounting Office, which could have records relating to that specific question.

The following is a link to their agency's FOIA office.

<http://www.gao.gov/foia.html>

Margolin was referring to the statement made by NASA's Gary G. Borda in the file attached to Margolin's FOIA Request. From NASA Appendix NA18:

{redacted}

From: Borda, Gary G. (HQ-MC000)
 Sent: Friday, January 23, 2009 11:44 AM
 To: Rotella, Robert F. (HQ-MA000); McNutt, Jan (HQ-MC000)
 Cc: Graham, Courtney B. (HQ-MA000)
 Subject: 2000 GAO Report on NASA's Administrative Review of Patent Infringement Claims

Attachments: NASA's Administrative Review of Patent Infringement Claims–GAO Report_Aug 2000.pdf; DFAR 227_70 Patent Infringement Claims.pdf

FYI – found all this in a Google search. The attached 2000 GAO report on NASA's Administrative Review of Patent Infringement Claims wasn't widely disseminated here since I didn't know{sic} about it (guess they thought since I didn't work these claims I didn't need to know – not a very good policy decision from past 11, leadership).

The GAO report mentions that "NASA's procedures for administratively reviewing a claim of patent infringement against the agency are set out in an attachment to a September 29, 1987, letter to all NASA installations by the Associate General Counsel for Intellectual Property." I have also never seen the referenced letter. We should find a copy and make sure we are following the procedures.

The GAO report goes on to state that the NASA procedures are modeled after the DOD procedures. "I'm not sure what those procedures might be, but There are procedures for administrative claims for patent infringement in the DFAR (Subpart 227.70 – attached).

DOE also has regs on Claims for Patent and Copyright Infringement at 10 CFR Part 782 <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=ae9d0477eef326f1d13d73becade33d&rgn=div5&view=text&node=l0:4.0.2.5.19&ldno=10>

Gary

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This communication should only be used for the particular matter discussed herein. Changes in circumstances and changes in law can greatly alter any current legal advice.

{emphasis added}

NASA's response, advising Margolin to contact the General Accounting Office, is uninformed and insulting.

And, BTW, GAO changed its name from "General Accounting Office" to "General Accountability Office" in 2004. See <http://www.gao.gov/about/namechange.html>

13. And, finally:

11. Please send me documents relating to a standard of ethics or conduct for NASA contractors.

NASA responds:

- Question #11: Procurement Information Circular 08-12 The Federal Acquisition Regulations has internal standards of conduct, which is responsive to your request.

<http://www.hq.nasa.gov/office/procurement/regs/pic08-12.html>

The link to Federal Acquisition Regulations produces an interesting document. See NASA Appendix NA77.

December 22, 2008
CONTRACTOR ETHICS

PURPOSE: This Procurement Information Circular (PIC) is issued to call attention to the new contractor ethics requirements and to advise acquisition personnel of their roles and responsibilities in implementing the programs and processing reports of violations under the program.

BACKGROUND: Over the past year, two significant FAR rules related to contractor ethics have been issued. In November of 2007, the FAR was revised to require contractors to establish a written code of business ethics and conduct. Furthermore, on December 12, 2008, the Contractor Business Ethics Compliance Program and Disclosure Requirements went into effect, requiring contractors to report criminal violations and overpayments.

Under the fist{sic} rule, contractors are required to:

- Establish a written code of business ethics (FAR 52.203-13)
- Establish an internal control system that facilitates timely discovery of improper conduct in connection with Government contracts and ensures that corrective action is taken.
- Train their employees in business ethics; promote business ethics awareness

The second rule builds upon the first by additionally requiring contractors to:

- Timely disclose any violations of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code; or a violation of the civil False Claims Act (31 U.S.C. 3729-3733) to the Agency Office of the Inspector General, with a copy to the contracting officer.
- Timely disclose and remit any significant overpayments made by the Government.

Therefore:

1. Contractors have to agree to disclose any violations of specified Federal criminal laws that they commit.
2. Contractors have to come up with their own written code of business ethics.

If NASA requires (allows) Contractors to write their own business ethics code, and there is no standard for judging the adequacy of the Contractor's ethics code, then NASA does not have a business ethics code for its Contractors.

A report was issued November 2009 by NASA's Acting Inspector General (Thomas J. Howard) titled **NASA 2009 Management Challenges**. [See NASA Appendix NA78]

In the section **Standards of Ethical Conduct Compliance** [NASA Appendix NA89] Acting Inspector General Howard says:

Standards of Ethical Conduct Compliance. There is a great deal of interaction between NASA and the private sector, including both industry and academia. Again, given that approximately 90 percent of NASA's budget is dedicated to contracts and grants, there is great incentive for private sector interests to influence NASA employees. There is also substantial interaction between NASA's scientists and researchers and those working for non-governmental entities, and incentives abound for such acts as sharing information that is sensitive but unclassified. Many NASA employees often seek to pursue financial opportunities in the private sector beyond their Government employment. With the interchange of talented personnel between the public and private sectors, the advent of term appointments, the use of Intergovernmental Personnel Act appointments, and the use of contractors to meet personnel needs, management is challenged to ensure that ethics laws and regulations applicable to each category are identified and followed. It is imperative that NASA employees, as stewards of NASA's mission and budget, are aware of and comply with the applicable ethics laws and regulations.

NASA employees, who are required to have a high standard of ethical conduct, are working alongside Contractors who set their own code of ethics.

It is hardly credible that NASA has no standard of ethical conduct for its Contractors.

Conclusion

NASA's response to Margolin's Freedom of Information Act Request is wholly inadequate and its answers are not credible.

In particular, OGC's responses merit investigation by NASA's Inspector General.

Respectfully,

Dated: March 9, 2010

/Jed Margolin/

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Reno, NV 89521-7430
775-847-7845
jm@jmargolin.com