

# Document Links NSF Official to Biotech Firm

*David Kingsbury concedes that he signed documents to reelect himself to the board of directors of a medical diagnostics company while in public office*

A document signed by David T. Kingsbury, an assistant director of the National Science Foundation (NSF), indicates that he agreed to sit on the board of a California medical diagnostics research company in 1986. At that time, Kingsbury, whose personal finances and ties to the biotechnology industry are under investigation by the Department of Justice, chaired a White House committee that oversees federal biotechnology regulations. He has maintained that he severed all ties with the company, IGB Products, Limited, before he joined NSF in 1984 and said he never agreed to serve as a director.

"That's my signature, I guess," said Kingsbury in an interview with *Science* after he was shown a copy of a 10 January action by the board of directors of IGB, a unit of the London-based Porton International PLC. The document shows that Kingsbury agreed to reelect himself, his wife, and other board members to IGB's board of directors for 1986. "Maybe it's my fault for not paying attention to what I was signing," said Kingsbury, claiming that he may have confused the document with papers related to the receipt of stock certificates, which eventually were returned to the company (*Science*, 23 October, p. 478).

At issue is whether he made a full disclosure of his business activities as required under federal law and whether any of these activities constitute a conflict of interest that violates any federal statute. There is no evidence at this time that any action taken by Kingsbury as a federal official has directly benefited any of Porton's subsidiaries.

Until now, Kingsbury has stated that he halted his business dealings with all but one of Porton International subsidiaries—International Medical Diagnostics (IMD). He disclosed in 1984 and received NSF's approval to serve as a director of IMD of Encino, California. He also indicated on his 1984 financial disclosure form that a consulting agreement with Alarbrook Limited of Britain, Porton's original operating name, would be suspended during his period of government service.

In a 28 October interview with *Science*,

Zsolt P. Harsanyi, one of Porton's chief executive officers, stated that Kingsbury has served on the board of IGB since 1984, the same year he joined the government. He was first recruited by Alarbrook in 1983 to set up and run IGB when he was at the Naval Biosciences Laboratory at the University of California at Berkeley. "We wanted him as an active manager. We wanted him to direct research where we thought he had expertise . . . in the development of medical diagnostics using DNA probes," explains Harsanyi.

But a short while later, Kingsbury decided to accept a presidential appointment to serve at NSF. Harsanyi says he and other Porton officials were upset by this announcement. But an agreement was worked out with Kingsbury under which he would be accessible to IGB researchers who needed technical guidance. Says Harsanyi, "His re-

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search expertise was still made available to us." In fact, Kingsbury intended to return to his job at the University of California at Berkeley and to resume work with the fledgling R&D company in 2 years.

Kingsbury's involvement with Porton subsidiaries since 1984 has not just been limited to the directorship of IGB or IMD, Harsanyi says. "He was named and voted director of four subsidiaries—JR Scientific, LH Fermentation, Inc., IGB Products, and IMD. And he signed as a director, including signatures when we would state that the board of directors hereby reelect the following members as directors for the following year," says Harsanyi. Documentation of Kingsbury's involvement with the holding company's subsidiaries has been provided to the Department of Justice, Porton officials add.

Asked to respond to Harsanyi's allegations on 28 October, Kingsbury at first said "I never, to my knowledge, signed a letter agreeing to serve any of those [companies—IGB, LH Fermentation, and JR Scientific]." As for taking part in the election of directors, he said he did not have any records in his files. But after seeing the 10 January election document for IGB's board, he said "you got a thing that says I agreed. . . . I don't have anything to else to add."

The NSF official contends that he has taken no money from industry since joining NSF. Porton officials confirm that he has received no compensation from them. But in response to questions, Harsanyi said, "We do believe that he had in mind that . . . if he ever returned to us he would be compensated for everything he did." But Kingsbury says, "There was never an agreement to that effect."

Since joining NSF, however, Kingsbury says he has spoken with IGB scientists. "Many of those DNA probe approaches were things that had come from what I was trying to do [at the Naval Biosciences Lab]. So if he [an IGB researcher] had a problem, he would call me," explains Kingsbury. He adds that he also has provided scientific advice without compensation to other companies, which he declined to identify.

Whether Kingsbury has broken any civil or criminal statutes governing the conduct of federal employees is not yet clear. Besides avoiding obvious conflicts, such as taking money or giving preferential treatment to any person, officials also must avoid activities that could create the appearance of partiality, or actions that adversely affect public confidence in the government. He could face penalties for failing to disclose the full extent of his relationship with Porton, should the government find that it was done willfully.

Kingsbury insists that he did not deliberately try to keep anything from the government. But he admits that his current problems are the result of his own failure to keep records and formally spell out what the relationship would be with Porton at the time he joined NSF. "We just handled it badly. . . . We never really killed it definitively until last year. We just didn't do it," Kingsbury says. He officially severed all ties with Porton subsidiaries in February 1987.

Kingsbury, who headed the White House's Domestic Policy Council Working Group on Biotechnology and the Biotechnology Science Coordinating Committee until 2 weeks ago, now is worried about keeping his job at NSF. "I am starting to have some reservations," says Kingsbury, "I don't know what's going to happen." ■

MARK CRAWFORD