

CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

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June 15, 2021

Melanie Hartzog
Deputy Mayor for Health and Human Services
Office of the New York City Mayor
New York, New York 10007

Re: Conflicts of Interest Board Case No. 2021-132 (Dave Chokshi)

Dear Deputy Mayor Hartzog:

This is in response to your letters to the Conflicts of Interest Board (the “Board”), dated April 1, 2021, and April 2, 2021, designating, pursuant to Board Rules Section 1-13(e)(1), Dr. Dave A. Chokshi, Commissioner of the New York City Department of Health and Mental Hygiene (“DOHMH”), to use City time and City resources to perform work for the advisory boards of the Columbia University Mailman School of Public Health and the New York University School of Global Public Health and requesting a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that he may take part in Columbia’s and NYU’s business dealings with the City.

Relevant Facts

You advise that Commissioner Chokshi has been invited to serve on the advisory board of the Columbia University Mailman School of Public Health, a position held by previous DOHMH commissioners. The advisory board assists in developing education and research agendas in health, policy, and management at Columbia. DOHMH frequently collaborates with Columbia to improve public health and to advance research on disease prevention and health equity. Given Columbia’s location in the City, as well as DOHMH’s role in responding to health emergencies, it may be necessary for Commissioner Chokshi to participate at DOHMH in Columbia’s business dealings with the City, which include specialized COVID-19 disease forecasting methods. Commissioner Chokshi must also be able to engage all medical facilities in the City, including those of Columbia, to respond to health emergencies, including the COVID-19 pandemic.

You further advise that Commissioner Chokshi has been invited to serve on the advisory board of the New York University School of Global Public Health, a position held by previous DOHMH commissioners. The advisory board assists NYU in its mission of developing scholarship, practice, and leadership to advance health equity. DOHMH frequently collaborates with NYU to improve public health and to advance research on disease prevention and health

equity. Given NYU's location in the City, as well as DOHMH's role in responding to health emergencies, it may be necessary for Commissioner Chokshi to participate at DOHMH in NYU's business dealings with the City, which include collaboration and data-sharing on DOHMH research initiatives, including Zika virus simulation models and a survey of primary care practices in the City during the COVID-19 pandemic. Commissioner Chokshi must also be able to engage all medical facilities in the City, including those of NYU, to respond to health emergencies, including the COVID-19 pandemic.

By letter dated March 5, 2021, the Board granted Commissioner Chokshi a waiver to retain his uncompensated position as Clinical Associate Professor of Population Health and Medicine at the NYU Grossman School of Medicine provided, among other requirements, that Commissioner Chokshi must recuse from business dealings between the Grossman School and the City (COIB Case No. 2021-011).

By your letters to the Board, you approve of Commissioner Chokshi's work on the advisory boards of Columbia and NYU as part of his work for DOHMH, as well as his participation at DOHMH in Columbia's and NYU's business dealings with the City.

Relevant Law

Charter Section 2604(b)(2), as interpreted in Board Rules Section 1-13, prohibits a public servant's use of City time or City resources for non-City purposes.

Board Rules Section 1-13(e) provides that an agency head may designate a public servant to perform work on behalf of a not-for-profit corporation, association, or other such entity that operates on a not-for-profit basis, including serving as a board member or other position with fiduciary responsibilities, provided that: (i) there is a demonstrated nexus between the proposed activity, the public servant's City job, and the mission of the public servant's agency, and such work furthers the agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit; (ii) the designated public servant takes no part in the entity's business dealings with the City at the entity or at their agency; and (iii) within 30 days the written designation is disclosed to the Board and will be posted on the Board's website.

A public servant designated pursuant to Board Rules Section 1-13(e)(1) may take part in the entity's business dealings with the City at the entity and/or at her or her agency if, after written approval of the agency head, the Board determines that there is a demonstrated nexus between the proposed participation, the public servant's City job, and the mission of the public servant's agency; and that such participation furthers the agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit entity. See Board Rules Section 1-13(e)(2).

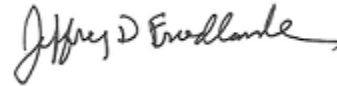
Advice

The Board has determined, based on the above representations and your written approval, that there is a demonstrated nexus between Commissioner Chokshi's work for DOHMH, his work on the advisory boards of Columbia and NYU, and the mission of DOHMH. Accordingly, he may use City time and City resources to perform work for the advisory boards at Columbia and NYU.

The Board has also determined that Commissioner Chokshi's participation in Columbia's and NYU's business dealings with the City furthers DOHMH's mission. Commissioner Chokshi may be involved at DOHMH and at the advisory boards in Columbia's and NYU's business dealings with the City pursuant to Board Rules Section 1-13(e)(2), provided that, as required in the Board's determination in COIB Case No. 2021-011, Commissioner Chokshi must remain recused, both at DOHMH and at NYU, from any business dealings between the Grossman School and the City.

The advice conveyed in this letter is conditioned on the correctness and completeness of the facts supplied to us. If such facts are in any respect incorrect or incomplete, the advice we have given to you may not apply. If at any time you would like further advice based on a change of circumstances or additional information, please contact us.

Very truly yours,



Jeffrey D. Friedlander
Chair

Nisha Agarwal
Fernando A. Bohorquez, Jr.
Anthony W. Crowell
Wayne G. Hawley

cc: Mairead Jones-Kennelly
Lisa Landau
Dave A. Chokshi, MD