ACE Unit 5: Part 2

NE 278 Review Questions, Answers and Remedies

# Johns Hopkins Bloomberg School of Public Health

## **Salary**: Is the amount of salary reported on part 2 ($223,000) the amount you received for all of 2023 and 2024 until now?

1. **Leave of Absence**: You have indicated that you will be on a leave of absence (LOA) from Johns Hopkins. Can you please provide us with a brief description of the terms of that LOA? Are these terms customary policy?

For purposes of the 278e, in particular:

* + indicate whether the leave is paid or unpaid;
  + specify the duration of the leave;
  + indicate whether your employer will continue to make contributions to any retirement or benefit plan.

Will you have any commitments to retain any university responsibilities during your LOA (research, teaching, mentoring students, etc.)

1. **TIAA Retirement:** You have indicated that you participate in TIAA, sponsored by Johns Hopkins.

Please identify each product(s) you hold in the account and their respective asset and income values.

1. **Other Associated Interests:** Do you have any other assets/sources of income, e.g. intellectual property, publication royalties, book deals, etc.?
2. **NIH Intramural Support Grant**: While this is not reportable on your form, please answer the following:

## What type of grant is this? What does it support?

* + Do you personally receive financial support through the grant, e.g. salary?
  + Are you a PI or Project Lead on the grant?
  + Will you have any ongoing responsibilities with respect to this grant?
  + What is the duration of the grant?

**National Council for Mental Wellbeing**

1. **Employment Status:** What is your employment relationship with this organization?

## Is this ongoing?

Are you an employee or an independent contractor?

Is the fee reported on Part 2 reflective of all of 2023 and 2024 until now?

1. **Termination Agreements:** Will you be terminating your service with NCMW? If so, will you have any agreements for severance or other payments owed?
2. **Retirement:** Are there any additional benefits you receive such as retirement?
3. **Services/Clients:** What types of services do you provide? Do you have clients?

## Are you paid directly by NCMW or by clients?

Who were your clients in CY 2023 to the present? Did any client pay more than $5,000 to NCMW for your personal services during that time?

**Other Items Listed on Resume**

1. **Society for Public Health Education Outstanding Mentor Award**. Please provide the $$ amount of that award, if any.
2. **Executive Board Member, American Public Health Association**. This position is reportable on Part 1. Is this a compensated position? If so what is the type and exact amount of compensation?

## What are the dates and duration of this position?

1. **Advisor Health Policy Research Scholars, Robert Wood Johnson Foundation**. This position is reportable on Part 1.

## Please provide the month/year when you began and when you ended your service in this position.

Was this position compensated? If so, did it exceed $5000 in a year.

Did you receive any employment benefits from this position such as a pension or retirement?

1. **Talk--“Treatment resistant depression: A multi-scale approach”-- University of North Carolina, Chapel Hill**. Did you receive any honorarium for this talk and if so what was the exact date of the talk and the exact amount of the honorarium?
2. **Talk—“Aging, mental illness and COVID-19”—American Public Health Association.** Did you receive any honorarium for this talk and if so what was the exact date of the talk and the exact amount of the honorarium?

# Spouse’s Employment and Related Assets

**Johns Hopkins Bloomberg School of Public Health**

## What position does your spouse hold with Johns Hopkins?

* 1. You have indicated that your spouse also participates in TIAA.

Specifically, please indicate which type of product(s) your spouse holds and their respective asset and income values.

* 1. Can you please confirm whether your spouse has any additional financial interests associated with their employment at Johns Hopkins? For example, any awards, honoraria, intellectual property, publication royalties, book deals, etc.
  2. Does your spouse personally receive funding from any USG grants or cooperative agreements?

**Medidata Solutions**

1. What is your spouse’s employment relationship with this organization? Specifically, is this ongoing and are they an employee or an independent contractor?
2. Are there any additional benefits they receive such as pension/retirement?
3. What types of services do they provide and to whom?
4. If they have clients, are they paid by the client or by Medidata Solutions?

**Dassault Systèmes**

1. Restricted stock units—
   * Are these vested or unvested?
   * Please report asset and income amounts.
   * What employment is this related to (is this compensation for services?)

**Other Assets and Income**

1. **M&T Bank** – With permission, we will remove the name of the bank and replace it with a generic indicator (US Bank). Please confirm this is a cash account.
2. **Fidelity Select Pharmaceuticals and First Trust Nasdaq Pharma**

Are these the only funds you hold?

For each of these funds, can you please provide us with the most current actual value of the asset?

*Actual values are not reportable,* but we need to know in order to make a conflict of interest determination.

## Do you have any other reportable assets/investment income (e.g. life insurance (other than term), real estate, stocks, virtual currency, College Savings Plan (529), etc.)

**Liabilities**

* 1. Do you receive rental income from your personal residence? If so, you should report that income on Part 6. If not, you do not have to report the mortgage and we will remove it with your permission.
  2. Do you have any other reportable liabilities (e.g. student loans for yourself or others)?

See [Liabilities](https://www.oge.gov/Web/278eGuide.nsf/Chapters/Liabilities?opendocument) for examples of reportable liabilities and instructions for reporting them.

On the following pages are Keshia’s answers to the questions we asked.

Technical Reporting

* + 1. In your small groups, review the answers to the questions.
    2. Revise Keshia’s NE draft

### Johns Hopkins Bloomberg School of Public Health

1. **Salary**: Is the amount of salary reported on part 2 ($223,000) the amount you received for all of 2023 and 2024 until now? Yes
2. **Leave of Absence**: You have indicated that you will be on a leave of absence (LOA) from Johns Hopkins. Can you please provide us with a brief description of the terms of that LOA? Are these terms customary policy?

Per the University’s standard policy for LOAs, I will be allowed up to 2 years of unpaid sabbatical, during which time I will retain my employment status, my participation in the retirement plan, and certain benefits such as tuition remission and access to university facilities.

For purposes of the 278e, in particular:

* + indicate whether the leave is paid or unpaid; Unpaid
  + specify the duration of the leave; 2 Years, may request extension
  + indicate whether your employer will continue to make contributions to any retirement or benefit plan. No TIAA contributions during LOA

Will you have any commitments to retain any university responsibilities during your LOA (research, teaching, mentoring students, etc.)

The only continuing responsibilities I will have are to continue to advise my PhD students in the Department of Health Policy and Management.

1. **TIAA Retirement:** You have indicated that you participate in TIAA, sponsored by Johns Hopkins.

Please identify each product(s) you hold in the account and their respective asset and income values.

TIAA Traditional 100-250k

TIAA Access Champlain MidCap Institutional 15-50k Income values for each are None or <$201

1. **Other Associated Interests:** Do you have any other assets/sources of income, e.g. intellectual property, publication royalties, book deals, etc.?

No IP, royalties, book deals.

1. **NIH Intramural Support Grant**: While this is not reportable on your form, please answer the following:
   * What type of grant is this? What does it support? What is the duration?

This is a 5-year grant to support the work of the Department of Health Policy and Management. It provides monies to support pre- and post-doctoral students in conducting research to identify and promulgate solutions for reducing and eliminating health disparities.

* + Do you personally receive financial support through the grant, e.g. salary?

No I do not. But it does support some of the doctoral students I advise.

* + Are you a PI or Project Lead on the grant? No, the Chair of the Department is named.
  + Will you have any ongoing responsibilities with respect to this grant?

Some of my doctoral students are engaged in research being funded under the grant.

### National Council for Mental Wellbeing

1. **Employment Status:** What is your employment relationship with this organization? I have a renewable contract with NCMW to provide consulting services.

Are you an employee or an independent contractor? I am not an employee and do not receive any benefits from them.

Is the fee reported on Part 2 reflective of all of 2023 and 2024 until now? The amount listed in Part 2 does represent fees for ’23 until now.

1. **Termination Agreements:** Will you be terminating your service with NCMW? If so, will you have any agreements for severance or other payments owed? Upon my appointment as Deputy Director, I will terminate my consulting contract with the Council. Per my current contract, upon termination I will receive any fees owed as of the date of termination.

If so, can you provide a dollar value (estimate) of any such payment? I believe the fees owed will likely be in the range of $2,000-3,000.

1. **Retirement:** Are there any additional benefits you receive such as retirement? No
2. **Services/Clients:** What types of services do you provide? Do you have clients?

I provide advisory consultations to a variety of mental healthcare service providers on ways they can improve delivery of services to their patients.

Are you paid directly by NCMW or by clients? NCMW

Who were your clients in CY 2023 to the present? For any client that paid more than

$5,000 to NCMW for your personal services during that time, please provide their name and City and State.

My clients are listed below & all paid more than $5000 to NCMW. Mental Health America Frederick, MD

Sheppard Community Services Catonsville, MD Healthcare Living for Families Windsor Mill, MD

### Other Items Listed on Resume

1. **Society for Public Health Education Outstanding Mentor Award**. Please provide the $$ amount of that award, if any. The award was $5000.
2. **Executive Board Member, American Public Health Association**. This position is reportable on Part 1. Is this a compensated position? If so what is the type and exact amount of compensation?

I receive no compensation, only travel reimbursements. What are the dates and duration of this position?

It is a 2-year term. It began 2/2023. I would like to retain this position if possible.

1. **Advisor Health Policy Research Scholars, Robert Wood Johnson Foundation**. This position is reportable on Part 1.

Please provide the month/year when you began and when you ended your service in this position. 7/2019-6/2021

Was this position compensated? If so, did it exceed $5000 in a year. Yes

Did you receive any employment benefits from this position such as a pension or retirement? No benefits or retirement.

1. **Talk--“Treatment resistant depression: A multi-scale approach”--University of North Carolina, Chapel Hill**. Did you receive any honorarium for this talk and if so what was the exact date of the talk and the exact amount of the honorarium? 11/03/2023, I received $1000.
2. **Talk—“Aging, mental illness and COVID-19”—American Public Health Association.** Did you receive any honorarium for this talk and if so what was the exact date of the talk and the exact amount of the honorarium?

No honorarium. Executive Board Members are not compensated for talks.

### Spouse’s Employment and Related Assets

**Johns Hopkins Bloomberg School of Public Health**

* 1. What position does your spouse hold with Johns Hopkins? Professor of Biostatistics
  2. You have indicated that your spouse also participates in TIAA.

Specifically, please indicate which type of product(s) your spouse holds and their respective asset and income values.

TIAA Traditional 100-250k

TIAA Access Champlain MidCap Institutional 15-50k Income values for each are None or <$201

* 1. Can you please confirm whether your spouse has any additional financial interests associated with their employment at Johns Hopkins? For example, any awards, honoraria, intellectual property, publication royalties, book deals, etc. None
  2. Does your spouse personally receive funding from any USG grants or cooperative agreements? The Biostatistics department participates in cooperative agreements and other partnerships (clinical trials) with various USG health agencies and my spouse participates in one with the Department of Health and Human Services. He does not personally receive any funding through that agreement or through any grants.

### Medidata Solutions

1. What is your spouse’s employment relationship with this organization? Specifically, is this ongoing and are they an employee or an independent contractor? My spouse has a 3-year, renewable contract to provide consulting services on an as-needed basis. He is not an employee.
2. Are there any additional benefits they receive such as pension/retirement? No
3. What types of services do they provide and to whom?

He provides advisory and data analytics services directly to Medidata.

1. If they have clients, are they paid by the client or by Medidata Solutions? He is paid by Medidata.

### Dassault Systèmes

1. Restricted stock units—
   * Are these vested or unvested? Unvested
   * Please report asset and income amounts. Asset, 1-15k; Income, None
   * What employment is this related to (is this compensation for services?) This is part of the compensation he received for his services to Medidata.

### Other Assets and Income

1. **M&T Bank** – With permission, we will remove the name of the bank and replace it with a generic indicator (US Bank). Please confirm this is a cash account. This is a checking account. Please remove the name.

### Fidelity Select Pharmaceuticals and First Trust Nasdaq Pharma

Are these the only funds you hold? Yes, currently.

For each of these funds, can you please provide us with the most current actual value of the asset?

Fidelity Select Pharmaceuticals $ 12, 859 First Trust Nasdaq Pharma $ 41, 649

*Actual values are not reportable,* but we need to know in order to make a conflict of interest determination.

1. Do you have any other reportable assets/investment income (e.g. life insurance [other than term], real estate, stocks, virtual currency, College Savings Plan (529), etc.) None

### Liabilities

* 1. Do you receive rental income from your personal residence? If so, you should report that income on Part 6. If not, you do not have to report the mortgage and we will remove it with your permission. Okay, please remove, no rental
  2. Do you have any other reportable liabilities (e.g. student loans for yourself or others)? None

See [Liabilities](https://www.oge.gov/Web/278eGuide.nsf/Chapters/Liabilities?opendocument) for examples of reportable liabilities and instructions for reporting them.

Email from Deborah Ortiz--DAEO

Ethics Team—

We’re currently working with Keshia to resolve some concerns that we had from her pre-clearance documents. We wanted to keep you in the loop:

1. Johns Hopkins

The Deputy Director of Programs Funding will not be able to avoid all matters affecting Johns Hopkins, particularly the Bloomberg School. JHU is a key stakeholder in all of our programs. The Deputy Director has to establish funding priorities, based upon evaluation of performance measures of existing programs and new directives for future funding, as well as Congressional appropriations. Funding decisions from this office can have direct effects on stakeholders individually and as a group.

Be prepared to provide information about all options for dealing with any ethics issues related to JHU, from recusal to waivers/authorizations.

1. NCMW and clients

NCMW and Mental Health America are significant players among our grantees. Issues are similar to JHU but not as far reaching. Other NCMW clients, no issues.

Same brief—all options.

1. Medidata and Dassault

In FY 24-25 we have committed to creating funding mechanisms/opportunities to support some virtual technology research and projects. Medidata and Dassault Systèmes are currently key players in this area. She will have to be involved at the program level at the very least.

Same brief—all options.

1. Divestiture of assets

Pharma is involved in/affected by all of our extramural programs. Pharma is a critical component of many research programs. Chief of staff wants to know if total divestiture is necessary or if there are alternatives.

Options—including relief if we ask for total divestiture.

1. Continued service on Executive Board, American Public Health Association

The Director does not see this is as an issue we have to resolve immediately. They would like to discuss this with Keshia once she is on board. There are advantages to having her in that position.

Same brief—all options.

Maadili: 18 USC 208 COI Analysis and Remedies for

Johns Hopkins University and the National Council for Mental Wellbeing

1. Describe the 208 COI with each entity:

JHU:

NCMW:

1. Identify and explain any applicable regulatory exemptions (See 5 CFR 2640)
2. For any proposed recusals, identify and discuss: Scope (types of matters/types of participation) Duration

How identified/effectuated Gatekeeping

1. For potential 208 (b)(1) waivers, explain:

Scope of proposed coverage (types of matters/participation) Legal standard for issuance

Approval process/timing Records/reporting requirements

1. When considering the pros and cons of each remedy, considerations should include:

Effects on the programs and operations of the agency Potential for reputational harm to the employee or agency Complexity of implementing a given remedy

Stakeholders required to assist with and/or approve the remedy Transparency and reporting requirements

Outside Activities: 5 CFR 2635.502 and Ethics Pledge Analysis and Remedies for Johns Hopkins University, the National Council for Mental Wellbeing and Clients

1. Describe the Impartiality/Pledge analysis for each entity:

JHU:

NCMW:

Former Clients (esp. Mental Health America)

1. Identify and explain the effect of any applicable regulatory exemption or 208(b)(1) waiver on the above analysis.
2. For any proposed recusals, identify and discuss: Scope (types of matters/types of participation) Duration

How identified/effectuated Gatekeeping

1. For potential 2635.502 authorizations or Pledge waivers, explain:

Scope of proposed coverage (types of matters/participation) Legal standard for issuance

Approval process/timing Records/reporting requirements

1. When considering the pros and cons of each remedy, considerations should include:

Effects on the programs and operations of the agency Potential for reputational harm to the employee or agency Complexity of implementing a given remedy

Stakeholders required to assist with and/or approve the remedy Transparency and reporting requirements

Conundrum Crushers: Ethics Analysis and Remedies for Continued Participation on Executive Board, American Public Health Association

1. Describe the COI analysis for each:

Service in a personal capacity:

Service in an official capacity:

1. Identify and explain the effect of any applicable regulatory exemption on the above analysis.
2. For any proposed recusals, identify and discuss: Scope (types of matters/types of participation) Duration

How identified/effectuated Gatekeeping

1. For any potential 208(b)(1) waivers explain:

Scope of proposed coverage (types of matters/participation) Legal standard for issuance

Approval process/timing Records/reporting requirements

1. Address any other ethics concerns arising from this service.
2. When considering the pros and cons of each remedy, considerations should include:

Effects on the programs and operations of the agency Potential for reputational harm to the employee or agency Complexity of implementing a given remedy

Stakeholders required to assist with and/or approve the remedy Transparency and reporting requirements

Wildfires: Ethics Analysis and Remedies for Spousal Employment and Related Holdings

1. Describe the 208 COI analysis (and where applicable the 2635.502 analysis) for: Medidata Solutions

Dassault Systemes

1. Identify and explain any applicable regulatory exemptions (see 5 CFR 2640).
2. For any proposed 208 and .502 recusals, identify and discuss:

Scope (types of matters/types of participation) Duration

How identified/effectuated Gatekeeping

1. For any proposed divestiture explain:

Scope (partial/complete) Timing

Availability of certificate of divestiture Process for acquiring

Any limitations on future investments

1. For any proposed 208(b)(1) waiver or 2635.502 authorization explain:

Scope of proposed coverage (types of matters/participation) Legal standard for issuance

Approval process/timing Records/reporting requirements

1. When considering the pros and cons of each remedy, considerations should include:

Effects on the programs and operations of the agency

Potential for reputational harm to the employee or agency Complexity of implementing a given remedy

Stakeholders required to assist with and/or approve the remedy Transparency and reporting requirements

Let’s Get Ethical: Ethics Analysis and Remedies for Sector Fund Holdings

1. Describe the 208 COI analysis for the sector fund holdings.
2. Identify and explain the effect of any applicable regulatory exemption on the above analysis.
3. For any proposed recusals, identify and discuss: Scope (types of matters/types of participation) Duration

How identified/effectuated Gatekeeping

1. For any proposed divestiture explain:

Scope (partial/complete) Timing

Availability of certificate of divestiture Process for acquiring

Any limitations on future investments

6. When considering the pros and cons of each remedy, considerations should include:

Effects on the programs and operations of the agency Potential for reputational harm to the employee or agency Complexity of implementing a given remedy

Stakeholders required to assist with and/or approve the remedy Transparency and reporting requirements