

Response to Freedom of Information Law (FOIL) Request

Paul F. Occhiogrosso

Thu 2/17/2022 2:18 PM

To: Ryan Jajosky <rjajosky@gmail.com>;

Cc: Sakine Franke <sfranke@ccny.cuny.edu>; Kay Kelly <kkelly1@ccny.cuny.edu>;

Dear Mr. Jajosky:

I write in response to your request below dated February 14, 2022, pursuant to the New York Freedom of Information Law (N.Y. Public Officers Law §§ 84-90).

Your request is hereby denied in full pursuant to N.Y. Public Officers Law § 87(2)(g), on the ground that the requested records constitute "inter-agency or intra-agency materials which are not:

- i. statistical or factual tabulations or data;
- ii. instructions to staff that affect the public;
- iii. final agency policy or determinations; or
- iv. external audits, including but not limited to audits performed by the comptroller and the federal government."

The investigation to which you refer is not yet complete, and therefore, any documents or reports related to the results of the investigation constitute deliberative, as opposed to factual, objective material.

In accordance with N.Y. Public Officers Law § 89(4)(a), you may appeal this decision in writing within 30 calendar days of the date of this email to:

Derek Davis, Esq.
Senior Vice Chancellor for Legal Affairs and General Counsel
The City University of New York
205 East 42nd Street
New York, NY 10017
ogc@cuny.edu

Sincerely,

Paul F. Occhiogrosso, Esq.
Executive Counsel to the President
The City College of New York
Wille Administration Building, Rm. 200
160 Convent Avenue
New York, NY 10031
e-mail: pocchiogrosso@ccny.cuny.edu

Begin forwarded message:

From: Ryan Jajosky <rjajosky@gmail.com>
Date: February 14, 2022 at 7:53:21 PM EST
To: "Paul F. Occhiogrosso" <pocchiogrosso@ccny.cuny.edu>
Subject: [EXTERNAL] Re: Response to Freedom of Information Law (FOIL) Request

Hi,

I am seeking records about the investigation into Dr. Hoau Yan-Wang's research. The Journal of Neuroscience mentioned this investigation on their website.

I would like to know the following: 1. Is there an investigation? 2. Was any wrongdoing found? 3. Is a report of the investigation available? 4. Can I have the report of the investigation? 5. Can I have any other information relating to this case / investigation? 6. Is the Journal of Neuroscience correct in stating that there is an investigation (see below)?

References:

<https://www.jneurosci.org/content/42/3/529>

JNeurosci is publishing an Expression of Concern for the article, "Reducing Amyloid-Related Alzheimer's Disease Pathogenesis by a Small Molecule Targeting Filamin A," by Hoau-Yan Wang, Kalindi Bakshi, Maya Frankfurt, Andres Stucky, Marissa Goberdhan, Sanket M. Shah, and Lindsay H. Burns, which appeared on pages [9773–9784](#) of the July 18, 2012 issue. The editors have been made aware of concerns about Western blots in this study, including those published with the article's erratum ([Wang et al., 2021](#)). These and other concerns are currently under investigation by the academic authorities at the City University of New York (CUNY). *JNeurosci* will await the outcome of that investigation before taking further action.

Thanks,

Ryan Jajosky

On Mon, Feb 14, 2022 at 4:31 PM Paul F. Occhiogrosso <pocchiogrosso@ccny.cuny.edu> wrote:

Dear Mr. Jajosky:

I write in response to your request below dated February 8, 2022, pursuant to the New York Freedom of Information Law (N.Y. Public Officers Law §§ 84-90), as follows:

REQUEST: "Regarding the investigation of Dr. Hoau-Yan Wang's research, can I be emailed (at this email address) the Final Report as soon as possible?"

Response: Your request is hereby denied in full on the ground that the records requested are not "reasonably described," as required by N.Y. Public Officers Law § 89(3)(a). Specifically, it is not clear to what "investigation" or "Final Report" you refer. If you wish to clarify your request, I will reconsider it.

In accordance with N.Y. Public Officers Law § 89(4)(a), you may appeal this decision in writing within 30 calendar days of the date of this email to:

Derek Davis, Esq.
Senior Vice Chancellor for Legal Affairs and General Counsel
The City University of New York
205 East 42nd Street
New York, NY 10017
ogc@cuny.edu

Sincerely,

*Paul F. Occhiogrosso, Esq.
Executive Counsel to the President
The City College of New York
Wille Administration Building, Rm. 200
160 Convent Avenue*

New York, NY 10031
e-mail: pocchiogrosso@ccny.cuny.edu

From: Ryan Jajosky <rjajosky@gmail.com>
Sent: Tuesday, February 8, 2022 3:55 PM
To: Paul F. Occhiogrosso
Subject: Fwd: [EXTERNAL] Re: [EXTERNAL] Re: [EXTERNAL] Freedom of Information Law (FOIL) Request

Hi,

I would like to make a FOIL records request. Regarding the investigation of Dr. Hoau-Yan Wang's research, can I be emailed (at this email address) the Final Report as soon as possible? If this is not the correct person to contact, can you let me know who is? I am willing to pay a fee of upto \$150.

<https://www.gc.cuny.edu/Page-Elements/Academics-Research-Centers-Initiatives/Doctoral-Programs/Biology/Faculty-Bios/Wang,-Hoau-Yan>

Thank you,

Ryan Jajosky

----- Forwarded message -----

From: Phillips, Lynette <lphillips2@gc.cuny.edu>
Date: Tue, Feb 8, 2022 at 3:42 PM
Subject: Re: [EXTERNAL] Re: [EXTERNAL] Re: [EXTERNAL] Freedom of Information Law (FOIL) Request
To: Ryan Jajosky <rjajosky@gmail.com>

CUNY is comprised of 25 separate campuses. This campus has no record of the information you seek.

From: Ryan Jajosky <rjajosky@gmail.com>
Date: Tuesday, February 8, 2022 at 3:24 PM
To: "Phillips, Lynette" <lphillips2@gc.cuny.edu>
Subject: [EXTERNAL] Re: [EXTERNAL] Re: [EXTERNAL] Freedom of Information Law (FOIL) Request

Hi,

In the "Forward-Looking Statements & Safe Harbor" of Cassava Science's Corporate Presentation there is a statement which says "the initiation and progression of a scientific inquiry undertaken by CUNY and the publication of its results", in regards to this company's relationship with Dr. Hoau-Yan Wang. Could this investigation be happening by a different center within CUNY? I asked the Graduate Center because I thought Dr. Wang was employed by the Graduate Center.

Reference:
<https://www.cassavasciences.com/company-presentations>

Thanks,

Ryan Jajosky

On Tue, Feb 8, 2022 at 2:55 PM Phillips, Lynette <lphillips2@gc.cuny.edu> wrote:

Mr. Jajosky – this campus has no record of an investigation occurring in the first place.

Lynette M. Phillips
Records Access Officer
The Graduate Center
City University of New York

From: Ryan Jajosky <rjajosky@gmail.com>
Date: Tuesday, February 8, 2022 at 2:20 PM
To: "Phillips, Lynette" <lphillips2@gc.cuny.edu>
Subject: [EXTERNAL] Re: [EXTERNAL] Freedom of Information Law (FOIL) Request

Hi,

Can I get the report when it is available, even if it is not ready now? Or, do I have to make a request every day?

Thanks,

Ryan Jajosky

On Tue, Feb 8, 2022 at 1:20 PM Phillips, Lynette <lphillips2@gc.cuny.edu> wrote:

February 8, 2022

Dear Mr. Jajosky:

In response to your FOIL record request for the Final Report of an investigation of Dr. Hoau-Yan Wang's research, please be advised that a diligent and exhaustive search has been made of the Graduate Center's institutional records and email accounts. No responsive materials could be located.

Sincerely,

Lynette M. Phillips
Records Access Officer
The University Center
City University of New York

From: Ryan Jajosky <rjajosky@gmail.com>
Date: Monday, February 7, 2022 at 11:47 PM
To: "Phillips, Lynette" <lphillips2@gc.cuny.edu>
Subject: [EXTERNAL] Freedom of Information Law (FOIL) Request

Hi,

I would like to make a FOIL records request. Regarding the investigation of Dr. Hoau-Yan Wang's research, can I be emailed (at this email address) the Final Report as soon as possible? The website says he is a member of the Graduate Center, so I am emailing you. If this is not the correct person to contact, can you let me know who is? I am willing to pay a fee of upto \$150.

<https://www.gc.cuny.edu/Page-Elements/Academics-Research-Centers-Initiatives/Doctoral-Programs/Biology/Faculty-Bios/Wang,-Hoau-Yan>

Thank you,

Ryan Jajosky

----- Forwarded message -----

From: **CUNY General Counsel** <ogc@cuny.edu>

Date: Mon, Feb 7, 2022 at 11:48 AM

Subject: RE: Request

To: Ryan Jajosky <rjajosky@gmail.com>

Dear Mr. Jajosky:

Requests for records should be made pursuant to the New York State Freedom of Information Law ('FOIL'). Any such request will be processed in accordance with the law. For records maintained at the specific CUNY College, please direct the request to that College. Further details on FOIL are available at: <https://www.cuny.edu/foil/>.

Regards,

Office of the General Counsel
The City University of New York

From: Ryan Jajosky <rjajosky@gmail.com>

Sent: Sunday, January 2, 2022 11:31 PM

To: CUNY General Counsel <ogc@cuny.edu>

Subject: Request

*****ATTENTION:** This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.***

Hi,

Regarding the investigation of Dr. Hoau-Yan Wang's research, can I be emailed (at this email address) the Final Report as soon as it is finalized?

Final Report After the client responds to the formal draft report, a final report is issued by Internal Audit. It generally includes the client's response to the findings and recommendations, and any additional comments considered necessary by the Director of Internal Audit. The final report is assembled and copied by the Office of Internal Audit, which then distributes copies to all interested parties, including appropriate University officials. At this time, the report is considered a published document and available for public review.

http://www.cuny.edu/wp-content/uploads/sites/4/media-assets/Auditing_at_CUNY_2010.pdf

Thank you,

Ryan Jajosky