

September 29, 2022

BY EMAIL ONLY (sean.spurgin@gmail.com)

Dear Mr. Spurgin:

I write in response to your request dated March 9, 2022, and amended through June 10, 2022 (i.e., limiting the search period to 8/1/2021 through 5/30/2022), pursuant to the N.Y. Freedom of Information Law (N.Y. Public Officers Law §§ 84-90), as follows:

REQUEST No. 1: “I am requesting emails and affiliated attachments between (to or from) Dr. Hoau-Yan Wang and the following individuals dating back to [8/1/2021 through 5/30/2022]:

- Dr. Lindsay Burns
- Remi Barbier
- Dr. Nadav Friedmann.”

Response to Request No. 1: Your request is hereby granted in part and denied in part. Attached hereto is a PDF of 804 pages including the cover page labeled as Exhibit 1, containing copies of all records that we have located that are responsive to your request, except please note that we have redacted personal email addresses pursuant to Public Officers Law §§ 87(2)(b) and 89(2)(c)(i). Please note that no marginal notation has been made based on these provisions.

Your request is denied, and we have consequently redacted the attached PDF to the extent that the records contain “trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise”; these redactions are marked in the margins of the PDF as “POL 87(2)(d).

Your request is denied in full with respect to these 307 pages of documents pursuant to Public Officers Law § 87(2)(d), on the ground that such records constitute “trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise.” Your request is also denied with respect to these 307 pages pursuant to Public Officers Law §§ 89(2)(a) and 89(2)(c)(i), on the ground that this material constitutes unsubstantiated claims regarding Dr. Wang and his research.

REQUEST No. 2: “I would like a copy of any Significant Financial Interest Disclosure Form and Supplement Form (Forms 1 and 2) completed by Dr. Wang.”

Response to Request No. 2: Your request is hereby granted in part and denied in part. Attached hereto is a PDF of 141 pages including the cover page labeled as Exhibit 2, containing copies of all records that we have located that are responsive to your request. Your request is denied, and we have consequently redacted the records, pursuant to Public Officers Law § 87(2)(d), to the extent that such records contain material obtained from a commercial enterprise, which if disclosed would cause substantial injury to the competitive position of the subject enterprise; these redactions are marked in the margins of the PDF as “POL 87(2)(d).”

In accordance with N.Y. Public Officers Law § 89(4)(a), any appeal from this response to your Freedom of Information Law request must be made in writing within 30 calendar days of the date of this letter 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,

/s/ Paul F. Occhiogrosso

Paul F. Occhiogrosso
Executive Counsel to the President

Enclosures

PFO/sf