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Gayathri Thaikkendiyil  
Acting Executive Director  
San Francisco Ethics Commission  
25 Van Ness Avenue, Suite 220  
San Francisco, CA 94102

Dear Acting Executive Director Thaikkendiyil,

I would like to thank the Ethics Commission for hearing my request for a waiver for post-employment restrictions on July 14 and I look forward to meeting with the Commission on August 18. I am submitting a supplemental letter to my initial request for a waiver for post-employment restrictions under Section 3.234(a)(3) to provide additional clarity to the Ethics Commission about my situation and hope that it demonstrates that granting a waiver would be appropriate in my case.

I am seeking a waiver to accept an offer of employment as a part-time, short-term consultant for the San Francisco AIDS Foundation (SFAF), a community-based organization that provides sexual health and substance use services in San Francisco to our most vulnerable communities and those affected disproportionately by HIV, Hepatitis C (HCV), and Sexually Transmitted Infections (STI). I am requesting a waiver to accept a consultant role to support the organization during the transition of the Chief Program Officer, Lara Honey-Brooks, a member of the Executive Leadership team of SFAF. I have reviewed the rules and regulations of the Ethic Commission, as well as considered previous matters that came before the Ethics Commission, and I believe that the circumstances surrounding my request support a waiver from the Ethics Commission.

Summary of Ethics Issues:

On June 29, 2023, I submitted a request for a waiver for receiving compensation from a city contractor that entered into a contract within a calendar year. As noted in my previous memo, I believe the circumstances of this offer and my previous role with the San Francisco Department of Public Health (SFDPH), would not cause ethical concerns for the City and County of San Francisco and that a waiver could be granted to allow me to accept this consultant role.

The SFAF entered into a contract in January 2023 and, in my role at the San Francisco Department of Public Health (SFDPH), I had involvement at the level of developing the program goals for the Request for Proposals (RFP). As a summary of my previous request, my involvement with the contract to SFAF was negligible and limited to the RFP development in

2019 under which the contract was awarded. Though the RFP process was completed in late 2019, the COVID-19 shelter in place requirement and disaster worker deployment of SFDPH employees, including myself, delayed the development of contracts until 2022 and the contracts for all seven vendors were finalized for a start date of January 1, 2023. I did not review or score the applications during the RFP process. The RFP process was managed by a separate unit in SFDPH and reviews are conducted by external review panels.

I was not involved in the allocation of funding. While I did participate in the development of the 2019 RFP program goals and requirements, I did not determine funding levels for the contracts that scored the highest in the process. The RFP included the funding levels for each category and was completed in 2019, almost four years ago. When the Mayor's Office added funding to the RFP in May 2022, I was not involved in the allocation of this funding. My involvement was to inform organizations about additional funding to meet the RFP program goals and requirements. In reviewing other cases in which a waiver was approved, I observe that I had less involvement with the contract than in cases.

I left this role at SFDPH on July 31, 2022, five months prior to the contract start date and almost 4 years after the RFP was developed and published. Therefore, I had no conflict of interest.

I had no knowledge that the SFAF Chief Program Officer was leaving the agency nor that SFAF would ask me to consult with them until June of 2023. My last contact with SFAF as a City employee was over one year ago.

#### Personal Hardship:

Section 3.234(a)(3) states that the prohibition for employment may be waived if the Ethics Commission determines that imposing the restriction would cause extreme personal hardship. The restriction from allowing me to engage in this consultant role would cause me personal hardship for the reasons described below.

First, in my initial request for waiver, I did not fully describe the personal hardship that a prohibition to take this position would cause. This opportunity is so important to me that I indicated that I was willing to volunteer for SFAF while waiting for the Ethics Commission to review my request and grant a waiver. This is not a statement of my financial situation but instead an indication of my strong enthusiasm for this consultant role and my willingness to volunteer while undergoing the process for a waiver from the Ethics Commission. To clarify, using an abundance of caution, I asked if volunteering was allowed because time is a key element and I believed that it would be beneficial to the organization to start my service during the process of approval of the Ethics Commission and then enter into to a paid consultant agreement after the approval process. This is no indication of my personal hardship, rather, my desire to do this work and support this important agency as soon as possible.

Working as a consultant to support the SFAF is a dream job for me, especially after my years of focus on public health and the community and is a unique opportunity that is not likely to

become available again. For the reasons I describe below, a prohibition of this post-employment opportunity would cause extreme hardship for several reasons:

- This opportunity allows me to continue the commitment to the work that I have focused on for over 30 years. I have dedicated my work life to addressing health disparities in San Francisco, especially the health disparities of HIV, HCV, and STI among gay men, trans communities, communities of color, people who use drugs, and people with few resources. Providing public health service in HIV, HCV, and STI prevention and care, and public health overall, is about ensuring social justice and opportunities to make real and sustainable change in the lives of people affected by HIV/HCV/STI. HIV prevention and ensuring health access has been a passion for me since 1987. As HIV was emerging, I developed a peer education program focused on HIV prevention. Throughout my career in public health, I have focused on developing interventions / programs that address these social determinants of health and reach the people most affected in effective ways. As noted in my initial request for a waiver, the RFP was developed to be equity focused and used data to determine how to reach those most affected. This is a symbol of my work and my focus. The SFAF opportunity allows me to bring my management skills, my experience with HIV prevention, and my passion for social justice to supporting the SFAF program leaders in their efforts to achieve health equity for the City and County of San Francisco.
- As a manager in SFPDPH, I collaborated with others to support and manage the system of care as a whole and this opportunity with SFAF would provide an opportunity for me to work directly within a community-based organization and closer to the work in the community. This is an opportunity for me to use my 37 years of experience in HIV and STI prevention to provide service directly to the community. I am excited about the opportunity to contribute directly to support the strong system of care that the community has requested, and agencies have developed. I have developed skills, knowledge, relationships, and experience in the field of HIV and, importantly, in health disparities related to HIV, HCV and STI.
- Community partnership in public health planning and implementation has been a priority in my work, ensuring that programs are developed in collaboration with the people most affected by health issues. The SFAF has a history of implementing strong programs in the community, provided by and in collaboration with community members. Their programs reach communities most affected by HIV, HCV, STI, and vulnerable populations that are supported through their innovative programs. I am excited about the opportunity to support the staff developing and implementing these programs.
- I have been on the forefront of emerging practices and hold expertise in strategies to reach communities and populations that have fewer resources and are disconnected to care and services. I would like to continue this work through my consultancy with SFAF as I consider ways that our work may be even more impactful. Throughout my years of work, I have developed expertise in effective strategies and trends in prevention and care and this

opportunity will allow me to bring this expertise to support communities in San Francisco in this time of change in the City.

- I believe that my contribution to SFAF during this time of change and transition will benefit the City, including communities and City and County departments. I have expertise in managing complex systems and providing leadership support that matches the current needs of the SFAF. I have relationships with leaders at the state and national level and can access support and resources due to these strong relationships with governing bodies in HIV, HCV, and STI. The system of care reaching people with and at risk for HIV, HCV, and STIs is complex and vulnerable and ensuring continuity of leadership and support is key to maintaining the strong system in place. SFAF is a key partner with many other community-based organizations and ensuring the relationships are maintained is important to the system. SFAF is an essential part of the system of care in the community that provides education, services, and linkage to care for our most vulnerable communities in San Francisco. I want to do what I can to make sure that the system is supported during the transition of the Chief of Programs, and importantly, that the staff of SFAF have continuity during the transition. SFAF staff work hard and tirelessly to reach people in the community and, as we know, currently, the need is great for reaching people who use drugs, people who are experiencing homelessness, and people at risk for HIV, Hepatitis C, and STIs.
- This opportunity is well suited for a retiree with experience, skills, and dedication and who is willing to work in a part-time short-term consultant role. I am in a unique position to be able to accept this role; it would be difficult for SFAF to find someone with the breadth of experience I have to fill this temporary gap. I am aware that a criterion for hardship includes opportunities for other positions. I acknowledge that I may be qualified for other jobs, however, this role matches my passion and commitment for supporting community work in public health, is a perfect transitional role as a retiree that has worked at the city level, and is a unique opportunity during a leadership transition.
- In addition to the hardship related to my dedication to this work, I will experience the financial hardship of the consultant income that is generated from this project. I have put aside pursuing other consultant opportunities as I wait for approval of this waiver.
- As I understand the rules, the waiver would be necessary to cover the remaining 4.5 months of the restriction as the SFAF entered into a contract January 1, 2023.

I would like to add that I fully understand that adhering to ethical standards in government is essential. I pride myself on following all Ethics Commission rules and regulations throughout my service as a City employee. I believe that my history with this contractor does not create ethical challenges and I hope that the Ethics Commission is able to see that granting a personal waiver would not create ethical concerns.

With this description of personal hardship, described above and summary of my involvement in my initial request from June 29, 2023, I respectfully request that the Ethics Commission approve

my request for a waiver and allow me to accept this short-term, part-time consultant position. I look forward to meeting with the Ethics Commission at the August 18 meeting to respond to any questions or concerns that the Commission may have.

Sincerely,



Tracey Packer, MPH

Cc:

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