

Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)

Filer's Information

Kessler, David

Chief Science Officer Covid Response, Department of Health & Human Services

Date of Appointment: 01/20/2021

Other Federal Government Positions Held During the Preceding 12 Months:

None

Electronic Signature - I certify that the statements I have made in this form are true, complete and correct to the best of my knowledge.

/s/ Kessler, David [electronically signed on 01/19/2021 by Kessler, David in Integrity.gov]

Agency Ethics Official's Opinion - On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below).

/s/ Olesh, Stanley, Certifying Official [electronically signed on 03/17/2021 by Olesh, Stanley in Integrity.gov]

Other review conducted by

/s/ Olesh, Stanley, Ethics Official [electronically signed on 03/17/2021 by Olesh, Stanley in Integrity.gov]

U.S. Office of Government Ethics Certification

Data Revised 03/17/2021

Data Revised 02/24/2021

Data Revised 02/18/2021

Data Revised 01/25/2021

Data Revised 01/19/2021

1. Filer's Positions Held Outside United States Government

#	ORGANIZATION NAME		CITY, STATE	ORGANIZATION TYPE	POSITION HELD	FROM	TO
1	university of california san francisco	See Endnote	san francisco, California	University/College	faculty	9/2003	Present
2	tpg		san francisco, California	Corporation	senior advisor	/2008	1/2021
3	center for science in the public interest		Washington, District of Columbia	Non-Profit	chairman board of directors	6/2019	1/2021
4	immucor		atlanta, Georgia	Corporation	board of directors	1/2012	1/2021
5	ellodi		Lawrenceville, New Jersey	Corporation	member of board	10/2020	1/2021
6	mars		mclean, Virginia	Corporation	advisor	1/2020	1/2021
7	wonderful		los angeles, California	Corporation	advisor	1/2020	9/2019
8	University of Chicago Law Review		Chicago, Illinois	University/College	advisory board	/1990	1/2021

2. Filer's Employment Assets & Income and Retirement Accounts

#	DESCRIPTION		EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	university of california san francisco	See Endnote	N/A		Salary	\$325,000

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
2	tpg (private equity)	N/A	\$500,001 - \$1,000,000	for services provided under January 1 2020 agreement (includes bonus payment for services provided in 2020 and on sale of Adare)	\$961,535
3	immucor, stock options (value not readily ascertainable):	N/A			None (or less than \$201)
4	immucor, restricted stock units	N/A	None (or less than \$1,001)		None (or less than \$201)
5	mars (food and pet care)	N/A		Consulting Fees	\$125,000
6	Fidelity Netbenefit Retirement account	No			
6.1	Yeshiva Retirement acct -- 100% in Prudential Money Market Fund	Yes	\$1,001 - \$15,000		None (or less than \$201)
6.2	UCSF 457(b) acct (100% UCSF Pathways Income Fund)	Yes	\$100,001 - \$250,000		None (or less than \$201)
6.3	UCSF DCP acct (100% in UC Savings Fund)	Yes	\$50,001 - \$100,000		None (or less than \$201)
6.4	UCSF 403(b) plan (100% in UCSF Bond Fund)	Yes	\$250,001 - \$500,000		None (or less than \$201)
7	university of california, defined benefit plan	N/A	\$1,000,001 - \$5,000,000		None (or less than \$201)
8	moody law firm	N/A	\$50,001 - \$100,000	legal expert work	\$82,000
9	simons hanly	N/A	None (or less than \$1,001)	legal expert wrok	\$178,750

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
10	hagens berman	N/A	None (or less than \$1,001)	legal expert work	\$248,250
11	zwerling schaeter	N/A	None (or less than \$1,001)	legal expert work	\$5,000
12	multidistrict litigation 2846 PSC levin papantonio, thomas and fleming nolen & jez	N/A	None (or less than \$1,001)	legal expert work	\$123,500
13	napoli shkolnik	No	None (or less than \$1,001)	legal expert work	\$134,750
14	thonrsnes bartolotta		None (or less than \$1,001)	legal expert work	\$78,500
15	hollingsworth	N/A	None (or less than \$1,001)	legal expert work	\$9,000
16	robbins office	N/A	None (or less than \$1,001)	book royalties	\$105,798
17	new york times	N/A	None (or less than \$1,001)	op-editorial	\$915
18	sanders phillips grossman	N/A	None (or less than \$1,001)	legal expert work	\$83,500
19	hatchette book group	N/A	None (or less than \$1,001)	book royalties	\$351
20	plaintiffs steering committee in re taxotere mdl no 2740 pendley, baudin & coffin and gibbs law group	N/A	None (or less than \$1,001)	legal expert work	\$57,500
21	greene llp	N/A	None (or less than \$1,001)	legal expert work	\$51,750
22	aig	N/A		legal expert work	\$66,500
23	immucor rsu stock	See Endnote	N/A		None (or less than \$201)

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
24	immucor options	See Endnote	N/A		None (or less than \$201)
25	elodi stock	See Endnote	N/A		None (or less than \$201)
26	kenny nachwalter		N/A	legal expert work	\$1,125
27	thornes barolatta mcguire		N/A	legal expert work	\$75,000
28	spangerberg shibley and liber		N/A	legal expert work	\$52,000
29	gibson dunn/ aig		N/A	legal expert work	\$36,750
30	Hangley Aronchick Segal Pudlin & Schiller; Zwerling, Schachter & Zwerling, L		N/A	legal expert work	\$117,250
31	immucor	See Endnote	N/A	director fees fees for January 1-19 pending payment	\$40,000
32	ellodi	See Endnote	N/A	board of director fees through January 19 pending	\$0
33	Yale Retirement acct		No		
33.1	TIAA Traditional -- Target Date Plus 2020		Yes		\$250,001 - \$500,000
33.2	Vanguard Real Estate Index Inst.		Yes		\$15,001 - \$50,000
33.3	Vanguard Total Stock Market Index Inst.		Yes		\$50,001 - \$100,000

3. Filer's Employment Agreements and Arrangements

#	EMPLOYER OR PARTY	CITY, STATE	STATUS AND TERMS	DATE
1	university of california san francisco	san francisco, California	leave of absence unpaid not to exceed two years	1/2021
2	university of california san francisco	san francisco, California	will self pay full costs of life insurance	1/2021
3	elodi	lawrenceville, New Jersey	final directors fees through January 19	1/2021
4	immucor	atlanta, Georgia	final payment as for director fees for board member service through January 19, 2021	1/2021
5	Univ. of Calif. San Francisco	San Francisco, California	Defined benefit retirement plan	12/2003
6	Univ. of Calif. San Francisco	San Francisco, California	Defined contribution retirement plan (no employer contributions while on LOA)	12/2003
7	Yale Univ. -- Retirement acct	New Haven, Connecticut	TIAA-CREF-managed defined contribution acct -- no further employer contributions.	12/1997

4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

#	SOURCE NAME	CITY, STATE	BRIEF DESCRIPTION OF DUTIES
1	university of california san francisco	san francisco, California	faculty
2	tpg	san francisco, California	senior advisor
3	mars	mclean, Virginia	advisor
4	taxotere mdl litigation	national	legal expert work
5	bossier	jackson, Mississippi	legal expert work
6	robbins office	new york, New York	legal expert work

#	SOURCE NAME	CITY, STATE	BRIEF DESCRIPTION OF DUTIES
7	hatchette book group	new york, New York	royalties
8	lief cabreser	san Francisco, California	legal expert work
9	spangenberg sibley	cleveland, Ohio	legal expert work
10	kenny nachtwalter	Washington, District of Columbia	legal expert work
11	hangley aranchick	harrisburg, Pennsylvania	legal expert work
12	hagens berman	boston, Massachusetts	legal expert work
13	zweling schechter	new york, New York	legal expert work
14	new york times	new york, New York	op editorial
15	lowey danenberg	white plains, New York	legal expert work
16	fleming nolan	houston, Texas	legal expert work
17	Virginia commonwealth university	richmond, Virginia	lectures
18	simons hanley	new york, New York	legal expert work
19	mdl psc 2846 pendley baudin & coffin and gibbs law	plaquemine, Louisiana	legal expert work
20	napoli shkolknik	marlton, New Jersey	legal expert work
21	thornes bartolotta	san Diego, California	legal expert work

#	SOURCE NAME	CITY, STATE	BRIEF DESCRIPTION OF DUTIES
22	hollingsworth	Washington, District of Columbia	legal expert work
23	sanders phillips grossman	irvine, California	legal expert work
24	greene llp	boston, Massachusetts	legal expert work
25	aig	new york, New York	legal expert work
26	garrett and company	new orleans, Louisiana	legal expert work
27	moody law firm	portsmouth, Virginia	legal expert work
28	multidistrict litigation psc levin papantonio thomas and fleming nolen & jez	pensicola, Florida	legal expert work
29	spangerberg shibley and liber	cleveland, Ohio	legal expert work
30	gibson dunn	new york, New York	legal expert work
31	Hangley Aronchick Segal Pudlin & Schiller; Zwerling, Schachter & Zwerling, L	philadelphia, Pennsylvania	legal expert work
32	immucor	atlanta, Georgia	board of directors fees
33	wonderful	los angeles, California	advisor
34	ellodi	lawrenceville, New Jersey	board of directors

5. Spouse's Employment Assets & Income and Retirement Accounts

None

6. Other Assets and Income

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
1	invesco mid -cap growth fund class A oegax		\$15,001 - \$50,000		None (or less than \$201)
2	tpg real estate equity II LP	See Endnote	N/A	includes interest income, dividends, long term capital gain portfolio and other increases	\$15,734
3	tpg equity vii	See Endnote	N/A	includes rental real estate income, interest income, dividends and long term capital gain and other increases	\$15,734
4	bank account 1		\$1,000,001 - \$5,000,000	Interest	\$1,001 - \$2,500
5	Bank account 2		\$1,000,001 - \$5,000,000	Interest	\$2,501 - \$5,000
6	Bank account 3		\$500,001 - \$1,000,000	Interest	\$1,001 - \$2,500
7	Bank account 4		\$500,001 - \$1,000,000	Interest	\$1,001 - \$2,500
8	Bank account 5		\$250,001 - \$500,000	Interest	None (or less than \$201)
9	Bank account 6		\$1,001 - \$15,000	Interest	None (or less than \$201)

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
10	equitable permanent life insurance policy	N/A	\$250,001 - \$500,000		None (or less than \$201)

7. Transactions

(N/A) - Not required for this type of report

8. Liabilities

None

9. Gifts and Travel Reimbursements

(N/A) - Not required for this type of report

Endnotes

PART	#	ENDNOTE
1.	1	leave of absence
2.	1	i am submitting this form for preemployment review by HHS ethics counsel I understand from discussions with Stanley Olesh that i may edit/correct any errors in this form until the statutory due date
2.	23	value not ascertainable
2.	24	value not ascertainable

PART	#	ENDNOTE
2.	25	625,000 of profit interest unites with threshold of 1.21 --commencement date September 2020 nothing vests until 1st anniversary
2.	31	value not ascertainable
2.	32	value not ascertainable
6.	2	value not ascertainable
6.	3	value not ascertainable

Summary of Contents

1. Filer's Positions Held Outside United States Government

Part 1 discloses positions that the filer held at any time during the reporting period (excluding positions with the United States Government). Positions are reportable even if the filer did not receive compensation.

This section does not include the following: (1) positions with religious, social, fraternal, or political organizations; (2) positions solely of an honorary nature; (3) positions held as part of the filer's official duties with the United States Government; (4) mere membership in an organization; and (5) passive investment interests as a limited partner or non-managing member of a limited liability company.

2. Filer's Employment Assets & Income and Retirement Accounts

Part 2 discloses the following:

- Sources of earned and other non-investment income of the filer totaling more than \$200 during the reporting period (e.g., salary, fees, partnership share, honoraria, scholarships, and prizes)
- Assets related to the filer's business, employment, or other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

3. Filer's Employment Agreements and Arrangements

Part 3 discloses agreements or arrangements that the filer had during the reporting period with an employer or former employer (except the United States Government), such as the following:

- Future employment
- Leave of absence
- Continuing payments from an employer, including severance and payments not yet received for previous work (excluding ordinary salary from a current employer)
- Continuing participation in an employee welfare, retirement, or other benefit plan, such as pensions or a deferred compensation plan
- Retention or disposition of employer-awarded equity, sharing in profits or carried interests (e.g., vested and unvested stock options, restricted stock, future share of a company's profits, etc.)

4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

Part 4 discloses sources (except the United States Government) that paid more than \$5,000 in a calendar year for the filer's services during any year of the reporting period.

The filer discloses payments both from employers and from any clients to whom the filer personally provided services. The filer discloses a source even if the source made its payment to the filer's employer and not to the filer. The filer does not disclose a client's payment to the filer's employer if the filer did not provide the services for which the client is paying.

5. Spouse's Employment Assets & Income and Retirement Accounts

Part 5 discloses the following:

- Sources of earned income (excluding honoraria) for the filer's spouse totaling more than \$1,000 during the reporting period (e.g., salary, consulting fees, and partnership share)
- Sources of honoraria for the filer's spouse greater than \$200 during the reporting period
- Assets related to the filer's spouse's employment, business activities, other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's spouse's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF). Amounts of income are not required for a spouse's earned income (excluding honoraria).

6. Other Assets and Income

Part 6 discloses each asset, not already reported, (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in investment income was received during the reporting period. For purposes of the value and income thresholds, the filer aggregates the filer's interests with those of the filer's spouse and dependent children.

This section does not include the following types of assets: (1) a personal residence (unless it was rented out during the reporting period); (2) income or retirement benefits associated with United States Government employment (e.g., Thrift Savings Plan); and (3) cash accounts (e.g., checking, savings, money market accounts) at a single financial institution with a value of \$5,000 or less (unless more than \$200 in income was received). Additional exceptions apply. Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

7. Transactions

Part 7 discloses purchases, sales, or exchanges of real property or securities in excess of \$1,000 made on behalf of the filer, the filer's spouse or dependent child during the reporting period.

This section does not include transactions that concern the following: (1) a personal residence, unless rented out; (2) cash accounts (e.g., checking, savings, CDs, money market accounts) and money market mutual funds; (3) Treasury bills, bonds, and notes; and (4) holdings within a federal Thrift Savings Plan account. Additional exceptions apply.

8. Liabilities

Part 8 discloses liabilities over \$10,000 that the filer, the filer's spouse or dependent child owed at any time during the reporting period.

This section does not include the following types of liabilities: (1) mortgages on a personal residence, unless rented out (limitations apply for PAS filers); (2) loans secured by a personal motor vehicle, household furniture, or appliances, unless the loan exceeds the item's purchase price; and (3) revolving charge accounts, such as credit card balances, if the outstanding liability did not exceed \$10,000 at the end of the reporting period. Additional exceptions apply.

9. Gifts and Travel Reimbursements

This section discloses:

- Gifts totaling more than \$415 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.
- Travel reimbursements totaling more than \$415 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.

For purposes of this section, the filer need not aggregate any gift or travel reimbursement with a value of \$166 or less. Regardless of the value, this section does not include the following items: (1) anything received from relatives; (2) anything received from the United States Government or from the District of Columbia, state, or local governments; (3) bequests and other forms of inheritance; (4) gifts and travel reimbursements given to the filer's agency in connection with the filer's official travel; (5) gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises; and (6) anything received by the filer's spouse or dependent children totally independent of their relationship to the filer. Additional exceptions apply.

Privacy Act Statement

Title I of the Ethics in Government Act of 1978, as amended (the Act), 5 U.S.C. app. § 101 et seq., as amended by the Stop Trading on Congressional Knowledge Act of 2012 (Pub. L. 112-105) (STOCK Act), and 5 C.F.R. Part 2634 of the U. S. Office of Government Ethics regulations require the reporting of this information. Failure to provide the requested information may result in separation, disciplinary action, or civil action. The primary use of the information on this report is for review by Government officials to determine compliance with applicable Federal laws and regulations. This report may also be disclosed upon request to any requesting person in accordance with sections 105 and 402(b)(1) of the Act or as otherwise authorized by law. You may inspect applications for public access of your own form upon request. Additional disclosures of the information on this report may be made: (1) to any requesting person, subject to the limitation contained in section 208(d)(1) of title 18, any determination granting an exemption pursuant to sections 208(b)(1) and 208(b)(3) of title 18; (2) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of violations or potential violations of law or regulation; (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or determination; (4) to the National Archives and Records Administration or the General Services Administration in records management inspections; (5) to the Office of Management and Budget during legislative coordination on private relief legislation; (6) when the disclosing agency determines that the records are arguably relevant to a proceeding before a court, grand jury, or administrative or adjudicative body, or in a proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding; (7) to reviewing officials in a new office, department or agency when an employee transfers or is detailed from one covered position to another, a public financial disclosure report and any accompanying documents, including statements notifying an employee's supervising ethics office of the commencement of negotiations for future employment or compensation or of an agreement for future employment or compensation; (8) to a Member of Congress or a congressional office in response to an inquiry made on behalf of and at the request of an individual who is the subject of the record; (9) to contractors and other non-Government employees working on a contract, service or assignment for the Federal Government when necessary to accomplish a function related to this system of records; (10) on the OGE Website and to any person, department or agency, any written ethics agreement, including certifications of ethics agreement compliance, filed with OGE by an individual nominated by the President to a position requiring Senate confirmation; (11) on the OGE Website and to any person, department or agency, any certificate of divestiture issued by OGE; (12) on the OGE Website and to any person, department or agency, any waiver of the restrictions contained in Executive Order 13770 or any superseding executive order; (13) to appropriate agencies, entities and persons when there has been a suspected or confirmed breach of the system of records, the agency maintaining the records has determined that there is a risk of harm to individuals, the agency, the Federal Government, or national security, and the disclosure is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and (14) to another Federal agency or Federal entity, when the agency maintaining the record determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in responding to a suspected or confirmed breach or in preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity, the Federal Government, or national security. See also the OGE/GOVT-1 executive branch-wide Privacy Act system of records.

Public Burden Information

This collection of information is estimated to take an average of ten hours per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Program Counsel, U.S. Office of Government Ethics (OGE), Suite 500, 1201 New York Avenue, N.W., Washington, DC 20005-3917.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number, 3209-0001, is displayed here and at the top of the first page of this OGE Form 278e).
