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CANCER PREVENTION & RESEARCH  
INSTITUTE OF TEXAS

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**MEMORANDUM**

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**TO:** OVERSIGHT COMMITTEE MEMBERS  
**FROM:** KRISTEN P. DOYLE, CHIEF EXECUTIVE OFFICER  
**SUBJECT:** SECTION 102.1062 WAIVER – JOHN ELLIS FY 2025  
**DATE:** NOVEMBER 13, 2024

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**Waiver Request and Recommendation**

I request that the Oversight Committee approve a FY 2025 conflict of interest waiver for John Ellis, CPRIT’s General Counsel, pursuant to Health & Safety Code Section 102.1062 “Exceptional Circumstances Requiring Participation.” Mr. Ellis’ sister-in-law and brother-in-law, Hope Synder and Dylan Synder, both work as healthcare professionals at Baylor Scott & White Health in Temple. While Mr. Ellis’ in-laws will not be part of any team applying for a CPRIT grant or receiving salary support from a CPRIT grant, this waiver ensures transparency regarding their employment at a grantee entity. I recommend approval because together with the waiver’s proposed limitations, adequate protections are in place to mitigate factors other than merit and the established grant criteria affecting the award and management of grant funds.

**Background**

Baylor Scott & White employs Mr. Ellis’ sister-in-law, Hope Synder, as a licensed clinical social worker in Temple. Baylor Scott & White employs Mr. Ellis’ brother-in-law, Dylan Snyder, as a hospital charge nurse at the hospital in Temple. Baylor Scott & White employs more than 49,000 individuals and 7,300 active physicians at 51 hospitals and 800 patient care sites.

Entities associated with Baylor Scott & White have applied for and received CPRIT grants. Baylor Scott & White Research Institute, which is the dedicated research and development arm of the Baylor Scott & White healthcare system, is a grant recipient with one active academic research award (RP230426). In total, Baylor Scott & White Research Institute has received five CPRIT academic research grant awards since 2010.

Mr. Ellis’ relatives are not involved in current or past CPRIT grant projects or grant applications and do not receive salary support from CPRIT grant funds. However, Texas Health & Safety Code § 102.106(c)(3) finds a professional conflict of interest exists when a relative within the second degree of affinity or consanguinity of the individual involved in the CPRIT review process is an employee of a grant recipient or grant applicant. Mr. Ellis’ sister-in-law and brother-in-law fall within the second degree of affinity and consanguinity to Mr. Ellis. CPRIT considers the institution as the grant applicant or recipient, in this case Baylor Scott & White and Baylor Scott & White Research Institute, rather than the individuals who submit a grant application or receive a grant award.

Furthermore, CPRIT’s administrative rule §702.13(c) classifies this type of professional conflict of interest as one that raises the presumption that the existence of the conflict may affect the impartial review of all other grant applications submitted pursuant to the same grant mechanism in the grant review cycle. A person involved in the review process that holds one of the conflicts included in the § 702.13(c) “super conflict” category must recuse himself or herself from participating in the “review, discussion, scoring, deliberation and vote on all grant applications competing for the same grant mechanism in the entire grant review cycle, unless a waiver has been granted...”

Texas Health & Safety Code § 102.1061 requires a CPRIT employee with this professional conflict of interest to recuse himself from an application that comes before the employee for review or other action and not access information regarding the matter.

### **Exceptional Circumstances Requiring Participation**

To approve a conflict of interest waiver, the Oversight Committee must find that there are exceptional circumstances justifying the conflicted individual’s participation in the review process. Mr. Ellis’ role as CPRIT’s General Counsel requires him to negotiate award contracts with Baylor Scott & White and Baylor Scott & White Research Institute and to provide legal advice to CPRIT staff and the Oversight Committee regarding issues that may affect these two entities. Given the nonexistent involvement of Mr. Ellis’ relatives in any activities related to CPRIT research projects undertaken by Baylor Scott & White or Baylor Scott & White Research Institute, the need for Mr. Ellis’ legal expertise and advice outweighs the extremely unlikely opportunity for him to act in a manner influenced by bias toward his relatives.

### **Proposed Waiver and Limitations**

In granting the waiver of the conflict of interest set forth in Health & Safety Code Section 102.106(c)(3), I recommend that the Oversight Committee permit Mr. Ellis to perform all duties assigned as General Counsel subject to the limitations stated below:

1. Mr. Ellis may negotiate award contracts, contract amendments, and provide legal advice to CPRIT staff and CPRIT Oversight Committee members regarding issues affecting Baylor Scott & White, Baylor Scott & White Research Institute, and other entities related to Baylor Scott & White;
2. Mr. Ellis may attend peer review meetings and PIC meetings as an observer, including meetings that include applications from Baylor Scott & White, Baylor Scott & White Research Institute, and other entities related to Baylor Scott & White;
3. Mr. Ellis may have access to grant application information, including information related to Baylor Scott & White, Baylor Scott & White Research Institute, and other entities related to Baylor Scott & White except as noted in item number 5;
4. Mr. Ellis will inform the Chief Executive Officer of any CPRIT grant application or grant award that includes his sister-in-law or brother-in-law as part of the grantee team and/or includes his sister-in-law or brother-in-law as staff paid by CPRIT grant funds;
5. CPRIT will prevent Mr. Ellis from accessing application review data for any applications under review that includes his sister-in-law or brother-in-law as part of the grantee team and/or includes his sister-in-law or brother-in-law as staff paid by CPRIT grant funds;

6. In the event that an issue arises that this waiver does not address, the Chief Executive Officer and Chief Compliance Officer may review the circumstances and determine whether Mr. Ellis should recuse himself from involvement in these or other regular job duties as appropriate. The Chief Executive Officer will report such circumstances and recusal determination to the Oversight Committee.

Regarding item number 2, Mr. Ellis will continue to follow CPRIT's established policy that prohibits CPRIT employees from actively participating in peer review committee meetings. As part of his CPRIT duties, Mr. Ellis may attend peer review committee meetings as an observer but does not participate in substantive discussion of any grant application, does not score any application, and does not vote on any application. CPRIT contracts with an independent third-party observer to document that all participants follow CPRIT's observer policy. The independent third-party observer report is available to the Oversight Committee prior to any action taken related to the grant award recommendations. Following Oversight Committee action, the independent third-party observer report is publicly available.

### **Important Information Regarding this Waiver and the Waiver Process**

- The Oversight Committee may amend, revoke, or revise this waiver, including the list of approved activities and duties and the limitations on duties and activities. Approval of any change to the waiver granted shall be by a vote of the Oversight Committee in an open meeting.
- CPRIT limits this waiver to the conflict of interest specified in this request. To the extent that Mr. Ellis has a conflict of interest with an application that is not the conflict identified in Section 102.106(c)(3), then Mr. Ellis will follow the required notification and recusal process.