
**IN THE MATTER OF
ROBERT BURNS,
PROJECT ENGINEER,
DEPARTMENT OF THE TREASURY**

STATE ETHICS COMMISSION

**Commission Case No. 16-15
DECISION**

BACKGROUND

Robert Burns seeks Commission approval under section 19 of the Conflicts of Interest Law (“Conflicts Law”) for an exception permitting his outside business, Burns Enterprises d.b.a. Cottman Transmission (“Burns Enterprises”), to contract with the State to perform repairs on State-owned vehicles.

Section 19(a) of the Conflict Law prohibits a State employee from entering into a contract valued at \$25.00 or more with any State agency except as provided in section 19(b). Pursuant to section 19(b) of the Conflicts Law, the State Ethics Commission is authorized to grant an exception to the prohibition in section 19(a) when the contract meets certain exceptions, including contracts that are awarded pursuant to public notice and competitive bidding.

APPLICATION

According to the information provided, Burns works for the Department of the Treasury (“Treasury”), Division of Property Management & Construction (DPMC”). Burns is also the part owner of Burns Enterprises, an automotive repair shop. Burns seeks an exception permitting Burns Enterprises to enter into a contract pursuant to T-0126/Solicitation No. 2015-X-23841 (“T-0126”), a multi-vendor contract for services to repair State vehicles for all State departments and agencies. The bid process being used by the Department of the Treasury, Division of Purchase & Property (“DPP”) for the contract follows all the regulatory requirements established by Treasury pursuant to *N.J.A.C. 17:12-1.1 et seq.* for the public notice and competitive bidding of contracts. In his position with DPMC, Burns has no responsibility for bid development, review, or the award process for State contracts issued by DPP, and he has had no involvement in the procurement process for T-0126.

This Commission has routinely authorized State employees to contract with the State as long as the contract is issued after public notice and competitive bidding and the contract is not with the State agency that employs them. Contract T-0126 meets the public notice and bidding requirements for an exception under section 19(b) of the Conflicts Law. Contract T-0126 is being awarded by Treasury, the department which employees Burns, in its capacity as the State contracting agent. Neither Burns nor his Division has had any involvement with the procurement process for T-0126. The Commission has also been advised that it is unlikely that Treasury itself would ever need the services of a vendor automobile repair facility pursuant to State contract T-

0126 because it uses only State motor pool vehicles which are repaired at State motor pool facilities.

DECISION

The Commission grants Burns an exception pursuant to section 19(b) of the Conflicts Law permitting Burns Enterprises to enter into a contract with the State to serve as a vendor for State contract T-0126/Solicitation No. 2015-X-23841, subject to the condition that the company is prohibited from providing services to State-owned vehicles assigned to Treasury.

DECISION RENDERED BY THE
STATE ETHICS COMMISSION ON
THE 19th DAY OF MAY, 2015