

*State of New Jersey*  
STATE ETHICS COMMISSION  
PO Box 082  
Trenton, NJ 08625-0082  
[www.nj.gov/ethics](http://www.nj.gov/ethics)

ANDREW S. BERNES, Esq.  
Chair

SUSANA E. GUERRERO, Esq.  
Executive Director

Tel: (609) 292-1892  
(888) 223-1355 in NJ  
Fax: (609) 633-9252

Email: [ethics@ethics.nj.gov](mailto:ethics@ethics.nj.gov)

September 25, 2015

Fred Cole  
Ethics Liaison Officer  
Economic Development Authority  
PO Box 990  
36 West State Street  
Trenton, New Jersey 08625

Re: Waiver to the Provisions of *N.J.S.A. 52:13D-17.2(b)*

Dear Mr. Cole:

At its September 22, 2015 meeting, the State Ethics Commission considered your request on behalf of Christina Fuentes, Senior Community Development Officer, New Jersey Economic Development Authority ("EDA"), and her husband, Noel Fuentes. Mr. Fuentes is employed by the Borgata Casino as a server at the Old Homestead Steakhouse. Ms. Fuentes' job duties at the EDA focus on working in Garden State Growth Zones, one of which is Atlantic City, and, may, therefore, involve projects affecting casinos. In light of her husband's employment, Ms. Fuentes should recuse herself from any matters involving or affecting the Borgata Casino. Based on the facts and circumstances set forth below, however, the Commission granted a waiver of the general prohibition of section 17.2(b).

Generally, Section 17.2(b) of the Conflicts Law prohibits all State officers and employees and members of their immediate families from holding an interest in, holding employment with, representing, appearing for, or negotiating on behalf of the holder of, or applicant for, a casino license or any holding or intermediary company with respect thereto. However, the statute also contains the following exception language:

except that a member of the immediate family of a State officer or employee, or person, may hold employment with the holder of, or applicant for, a casino license if, in the judgment of the State Ethics Commission ... such employment will not interfere with the responsibilities of the State officer or employee, or person, and will not create a conflict of interest, or reasonable risk of the public perception of a conflict of interest, on the part of the State officer or employee, or person

....

The Commission agrees there is no conflict between Ms. Fuentes' position at the EDA and her husband's employment at the Borgata Casino. There is also no reasonable risk of the public perceiving any

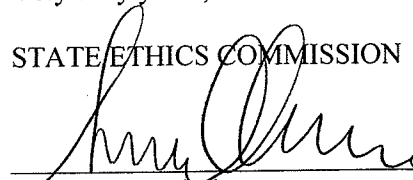
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kind of conflict between her State employment and her husband's casino employment so long as Ms. Fuentes recuses herself from all EDA official matters involving or affecting the Borgata Casino.

Based on the facts and circumstances set forth above, the Commission granted the waiver of the general prohibition of section 17.2(b) in the case Christina Fuentes and her husband, Noel Fuentes.

Very truly yours,

STATE ETHICS COMMISSION



For the Commission

Susana E. Guerrero, Executive Director

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