



*State of New Jersey*  
STATE ETHICS COMMISSION

PO BOX 082  
TRENTON, NJ 08625-0082  
[WWW.NJ.GOV/ETHICS](http://WWW.NJ.GOV/ETHICS)

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EXECUTIVE DIRECTOR

December 4, 2019

Kathryn Whalen  
Director, Offices of School Ethics and Compliance  
New Jersey Department of Education  
100 Riverview Plaza  
Trenton, New Jersey 08625

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

Dear Ms. Whalen:

At its December 3, 2019 meeting, the State Ethics Commission considered your request on behalf of Anthony Hearn, Planning Associate III, Department of Education, whose son, Michael Hearn, is currently employed by the Tropicana Hotel and Casino as a marketing representative. Based on the facts and circumstances set forth below, 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

....

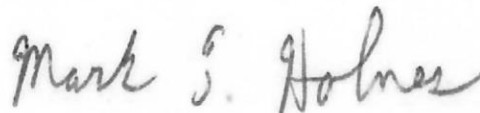
The Commission agrees that there is no conflict between Mr. Hearn's position at Department of Education and his son's employment with the Tropicana Hotel and Casino. Mr. Hearn's position and his son's employment do not overlap, and there is no conflict of interest or reasonable risk of the public perceiving any kind of conflict between his position and his son's casino employment.

December 4, 2019

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 of Anthony Hearn and his son, Michael Hearn.

Very truly yours,

STATE ETHICS COMMISSION

A handwritten signature in cursive script that reads "Mark T. Holmes".

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For the Commission  
Mark T. Holmes  
Executive Director

MTH/sc

*Exit\_Hearn\_CW\_DOE\_2019*