



State of New Jersey
STATE ETHICS COMMISSION

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MARK T. HOLMES, ESQ.
EXECUTIVE DIRECTOR

July 10, 2019

Catherine Schafer
Ethics Liaison Officer
Department of Children and Families
50 East State Street
PO Box 171
Trenton, New Jersey 08625

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

Dear Ms. Schafer:

At its July 9, 2019 meeting, the State Ethics Commission considered your request on behalf of Nicole Malavarca, Family Service Specialist II, Department of Children and Families, whose father, Alan Malavarca, is employed by Harrah's Casino as a Floor/Gaming Supervisor. 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

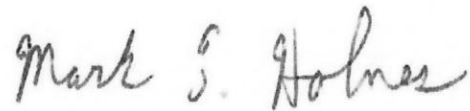
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The Commission agrees that there is no conflict between Ms. Malavarca's position at the Department of Children and Families and her father's employment with Harrah's Casino. Ms. Malavarca's position and her father's employment do not overlap, and there is no conflict of interest or reasonable risk of the public perceiving any kind of conflict between her position and her father's casino employment.

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 Nicole Malavarca and her father, Alan Malavarca.

Very truly yours,

STATE ETHICS COMMISSION

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

For the Commission
Mark T. Holmes
Executive Director

MTH/sc
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