



State of New Jersey
STATE ETHICS COMMISSION

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June 16, 2022

Angelita Young
Ethics Liaison Officer
North Jersey Transportation Planning Authority
Via email ONLY: young@njtpa.org

Re: Waiver to the Provisions of *N.J.S.A.* 52:13D-17.2b(3)

Dear Ms. Young:

At its June 14, 2022 meeting, the State Ethics Commission considered the Authority's request on behalf of Gabrielle Fausel, Principal Planner, North Jersey Transportation Authority, whose husband, David Lieb, is seeking employment with Smooth Roots as a Managing Member. Based on the facts and circumstances set forth below, the Commission granted a waiver of the general prohibition of section 17.2b(3).

Generally, Section 17.2b(3) 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 a medical cannabis entity¹ or a personal use cannabis entity.² However, the statute also contains the following exception language:

a member of the immediate family of a State officer or employee, or of a person, may hold employment with [a medical cannabis entity or a personal use cannabis entity], 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

¹ Medical cannabis entity includes a holder of or applicant for a medical cannabis cultivator permit, medical cannabis manufacturer permit, medical cannabis dispensary permit, or clinical registrant permit, any entity that employs any certified medical cannabis handler to perform transfers or deliveries of medical cannabis, or any holding or intermediary company with respect thereto.

² Personal use cannabis entity includes a holder of or applicant for a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service license, any entity that employs or uses a certified personal use cannabis handler to perform work for or on behalf of a licensed cannabis establishment, distributor, or delivery service, or any holding or intermediary company with respect to thereto.

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 Ms. Fausel's position at NJTPA and her husband's employment with Smooth Roots. Ms. Fausel's position and her husband'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 husband's cannabis employment.

Based on the facts and circumstances set forth above, the Commission granted the waiver of the general prohibition of section 17.2b(3) in the case of Gabrielle Fausel and her husband, David Lieb. Please be advised that this waiver is limited to employment, thus the restrictions on interest holdings and representation noted above still apply.

Very truly yours,

STATE ETHICS COMMISSION



For the Commission
Mark T. Holmes
Executive Director

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