



State of New Jersey

STATE ETHICS COMMISSION

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September 12, 2018

Robert Strong
Ethics Liaison Officer
Department of Human Services
Division of Developmental Disabilities
P.O. Box 726
Trenton, NJ 08625-0340

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

Dear Mr. Strong:

At its September 11, 2018 meeting, the State Ethics Commission considered your request on behalf of David Kudart, physical therapist, New Lisbon Developmental Center, Department of Human Services, whose wife, Maria Kudart, is currently employed by Bally's Casino as a server. 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. Kudart's position at the Department of Human Services and his wife's employment with the Bally's Casino. Mr. Kudart's position and his wife's

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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 wife'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 David Kudart and his wife, Maria Kudart.

Very truly yours,

STATE ETHICS COMMISSION



For the Commission
Mark T. Holmes
Acting Executive Director

MTH/sc

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