



*State of New Jersey*

STATE ETHICS COMMISSION

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ACTING EXECUTIVE DIRECTOR

April 11, 2018

William Spearman  
Ethics Liaison Officer  
South Jersey Transportation Authority  
Farley Service Plaza  
PO Box 351  
Hammonton, New Jersey 08037

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

Dear Mr. Spearman:

At its April 10, 2018 meeting, the State Ethics Commission considered your request on behalf of Jacqueline Kirby, Senior Accountant, South Jersey Transportation Authority ("SJTA"), and her husband, Eugene Kirby. Mr. Kirby is currently employed by the Tropicana Casino as a banquet 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 Ms. Kirby's position at SJTA and her husband's employment with the Tropicana Casino. Ms. Kirby's position and her husband's casino

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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 her position and her husband'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 Jacqueline Kirby and her husband, Eugene Kirby.

Very truly yours,

STATE ETHICS COMMISSION



For the Commission

Mark T. Holmes, Acting Executive Director

MTH/sc

*Exit\_CW\_Kirby\_4-2018*