



*State of New Jersey*

STATE ETHICS COMMISSION

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[WWW.NJ.GOV/ETHICS](http://WWW.NJ.GOV/ETHICS)

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CHAIR

**MARK T. HOLMES, ESQ.**  
ACTING EXECUTIVE DIRECTOR

June 13, 2018

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

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

Dear Mr. Spearman:

At its June 12, 2018 meeting, the State Ethics Commission considered your request on behalf of James Phelan, part-time parking attendant, South Jersey Transportation Authority, ("SJTA") who is employed by the Borgata Hotel and Casino as a casino dealer. 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:

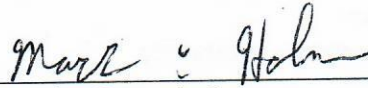
except that (1) a State officer or employee other than a State officer or employee included in the definition of person, and (2) a member of the immediate family of a State officer or employee, or of a person, may hold employment with the holder of, or applicant for, a casino license if, in the judgement 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. Phelan's position at SJTA and his employment with the Borgata Hotel and Casino. Mr. Phelan's position and his casino employment do not overlap, and there is no conflict of interest or a reasonable risk of the public perceiving any kind of conflict between his position at SJTA and his secondary 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 James Phelan.

Very truly yours,

STATE ETHICS COMMISSION



For the Commission

Mark T. Holmes

Acting Executive Director

MTH/sc

*Exit\_Phelan\_SJTA\_CW\_6-2018*