

State of New Jersey
STATE ETHICS COMMISSION

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June 3, 2015

Kathryn A. Whalen
Ethics Liaison Officer
Department of Education
PO Box 500
Trenton, NJ 08625

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

Dear Ms. Walen:

At its May 19, 2015 meeting, the State Ethics Commission considered your request on behalf of Patricia Holloway, Management Assistant, Department of Education, and her husband, Kevin Holloway, a plumber employed by the Borgata Hotel, Casino and Spa. 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:

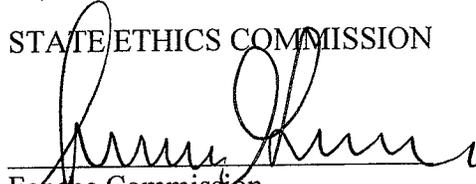
except that a member of the immediate family of a State officer or employee, or person, may hold employment with the holder of, or applicant for, a casino license if, in the judgment of the State Ethics Commission ... such employment will not interfere with the responsibilities of the State officer or 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 since Mrs. Holloway's position at the Department of Education does not require her to interact with her spouse or the Borgata Hotel, Casino and Spa, there is no reasonable risk of a conflict of interest or the public perceiving any kind of conflict between Mrs. Holloway's position and her husband's 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 Patricia Holloway and her husband, Kevin Holloway.

Very truly yours,

STATE ETHICS COMMISSION

A handwritten signature in black ink, appearing to read 'Susana E. Guerrero', is written over a horizontal line.

For the Commission

Susana E. Guerrero, Executive Director

SEG/sc

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