



PALM BEACH COUNTY COMMISSION ON ETHICS
300 North Dixie Highway, Suite 450, West Palm Beach, Florida 33401
Hotline: 877-766-5920 or 561-355-1915

COMPLAINT FORM

1. Complainant (Person bringing Complaint) Add pages, if necessary.

Please list all information where you would like to be contacted. Our preference is email.

Name: Addie L. Greene E-Mail acommiss7@att.net
 Address: 1617 Boardman Avenue
 City: Mangonia Park Zip: 33407
 Home #: 561-845-0847 Work #: N/A Cell #: 561-818-1670

2. Respondent (Person against whom complaint is made) Add pages, if necessary.

Please provide as much information as possible.

Name: William Albury E-Mail albree111@aol.com
 Address: 5712 Elmwood Street
 City: Mangonia Park Zip: 33407
 Home #: 561-842-3716 Work #: 561-848-1235 Cell #: 561-329-1105
 Title/Office Held or Sought: Mayor of the Town of Mangonia Park

3. IF KNOWN, CHECK THE BOX OR BOXES THAT APPLY

Allegation is against person in
 County/Municipal Government

Allegation is about County:
 Whistleblower Retaliation

4. STATEMENT OF FACTS BASED ON YOUR PERSONAL KNOWLEDGE

In a separate attachment, please describe in detail the facts and actions that are the basis of your complaint, including the dates when the actions occurred. Also attach any relevant documents as well as names and contact information of persons who may be witnesses to the actions. If known, indicate the section of the ordinance you believe is being violated. For further instructions, see page 2 of this form.

5. OATH

I, the person bringing this complaint, do depose on oath or affirmation and say that the facts set forth in the foregoing complaint and attachments are true and correct, to the best of my knowledge and belief.

Addie L. Greene
 Signature of Person Making Complaint

STATE OF FLORIDA
 COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me
 this 2 day of June, 2014, by

Addie L. Greene
 (Name of Person Making Statement)

who is personally known to me or produced
 identification . Type of identification
 produced:

Gwendolyn P. Ferguson
 (Signature of Notary Public, State of Florida)

GWENDOLYN P. FERGUSON
 MY COMMISSION # EE 150882
 EXPIRES: December 28, 2015
 Bonded Thru Budget Notary Services

STATE OF FLORIDA
NOTARY PUBLIC

GWENDOLYN P. FERGUSON
 MY COMMISSION # EE 150882
 EXPIRES: December 28, 2015
 Bonded Thru Budget Notary Services

(Print, Type, or Stamp Commissioned Name of Notary Public)

May 30, 20124

To: **Chairperson – Selesia V. Smith-Gordon, P.A.**
Palm Beach County Ethics Commission

From: Addie L. Greene
1617 Boardman Avenue
Mangonia Park

Re: **Ethics complaint – William Albury**
Office he presently holds: Mayor for the Town of Mangonia Park

I based the ethics violations below of above elected official on the attachments enclosed:

1. Homestead Fraud
2. Homestead exemption on two owed parcels in his wife and his wife's name.
3. **Section 2-443**
Misuse of public office in a manner which results in a special financial benefit to him and is wife, not shared with similarly situated members of the general public .
4. Copy of deed to Riviera Beach Property
5. Copy of deeds to Mangonia Park Property
6. Copy of warranty deeds

Sincerely,



Addie L. Greene

Property Information

Owner Name: ALBURY WILLIAM H
PCN Number: 44-43-43-05-11-002-0010

Exemption Detail

Exemption year: 2014

Applicant/Owner	Year	Detail
ALBURY WILLIAM H &	2014	Homestead

Print

Close



Gary R. Nikolits, CFA
Property Appraiser
 Palm Beach County

Homestead Exemption **E-file** ▶

Location Address 5712 ELMWOOD ST

Municipality MANGONIA PARK

Parcel Control Number 44-43-43-05-11-002-0010

Subdivision MANGONIA HILLS AMNDED IN

Official Records Book 08453

Page 0008

Sale Date MAR-1994

Legal Description MANGONIA HILLS AMENDED PL LT 1 BLK 2

OwnersALBURY SHERRY L
ALBURY WILLIAM H &**Mailing address**5712 ELMWOOD ST
MANGONIA PARK FL 33407 2223

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAR-1994	\$100	08207 / 0998	WARRANTY DEED	
MAR-1994	\$100	08453 / 0008	WARRANTY DEED	ALBURY WILLIAM H &
NOV-1991	\$55,000	07049 / 0096	WARRANTY DEED	
OCT-1990	\$45,000	06636 / 0131	WARRANTY DEED	

Exemption Applicant/Owner	Year	Detail
ALBURY WILLIAM H &	2014	

Number of Units 1 *Total Square Feet 1296 Acres 0.13

Use Code 0100 - SINGLE FAMILY Zoning R1 - Low Density Single Family (44-MANGONIA PARK)

Tax Year	2013	2012	2011
Improvement Value	\$34,810	\$30,884	\$34,414
Land Value	\$6,386	\$6,386	\$15,965
Total Market Value	\$41,196	\$37,270	\$50,379

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$38,775	\$37,270	\$50,379
Exemption Amount	\$25,000	\$25,000	\$25,379
Taxable Value	\$13,775	\$12,270	\$25,000

Tax Year	2013	2012	2011
Ad Valorem	\$347	\$313	\$651
Non Ad Valorem	\$174	\$174	\$174
Total tax	\$521	\$487	\$825

(Returns to purchaser and addressee unopened envelopes)

WARRANTY DEED
INDIVIDUAL TO INDIVIDUAL

RAMCO FORM 01

ASSOCIATES FINANCIAL SERVICES
3450 Northlake Boulevard #101
Palm Beach Gardens, Florida 33403

This instrument Prepared by

ASSOCIATES FINANCIAL SERVICES
3450 Northlake Boulevard #101
Palm Beach Gardens, Florida 33403
Property Appraisers Parcel Identification (Folio Numbers)

Grantee(s) S.S. (last)

APR 08 1994 12:39 PM 94-124916
ORB 8207 Pg 998
RECORD VERIFIED DOROTHY H WILKEN
CLERK OF THE COURT - PB COUNTY, FL

CORRECTIVE

Warranty Deed Made the 28 day of FEBRUARY A.D. 1994 by

GAZA M. GYORKY A/K/A GEZA M. GYORKY, a married man
hereinafter called the grantor, to
WILLIAM W. ALBURY and SHERRY L. ALBURY, his wife
whose post office address is 5712 Elmwood Street, West Palm Beach, Florida 33407

hereinafter called the grantees.

Witnesseth: That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, releases, conveys and confirms unto the grantees all that certain land situate in PALM BEACH County, State of FLORIDA

Lot 1, Block 7, OF AMENDED PLAT OF MANONIA HILLS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 27, PAGE 110, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THIS PROPERTY DOES NOT CONSTITUTE THE HOMESTEAD RESIDENCE OF THE GRANTOR.
GRANTOR PERMANENTLY RESIDES AT: 115 Mt Vernon Street, Dedham, Ma 02026

THIS DEED SERVES TO CORRECT THE WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 7049, PAGE 96, WHICH DID NOT INCLUDE THE MARITAL STATUS OF THE GRANTOR.

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining

Do Have and to Hold, the same as fee simple forever

And the grantor hereby covenants with said grantees that the grantor is lawfully seized of said land in fee simple, that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 19

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written

Signed, sealed and delivered in the presence of

Signature: [Signature]

Signature: Gather the Babcock

Signature: [Signature]

Signature: [Signature]

Signature: [Signature]

Signature: [Signature]

Signature: [Signature]

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Signature: GAZA M. GYORKY A/K/A GEZA M. GYORKY

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Signature: [Signature]

RECORDER'S MEMO: Legibility of Writing, Typing or Printing unsatisfactory in this document when received

10 03 91

Notary Public Seal
Witness in my hand and official seal in the County and State last aforesaid this day: 28 day of February A.D. 1994
Notary Signature: [Signature]
Notary Seal: [Seal]

Property Information

Owner Name: ALBURY SHERRY

PCN Number: 56-43-42-30-29-001-0020

Exemption Detail

Save Our Homes (SOH) Base Year: 2013

Exemption year: 2014

Applicant/Owner	Year	Detail
ALBURY SHERRY &	2014	Additional Homestead
	2014	Homestead

Print

Close



Gary R. Nikolits, CFA
Property Appraiser
 Palm Beach County

Homestead Exemption **E-file** ▶

Location Address 1114 CENTER STONE LN

Municipality RIVIERA BEACH

Parcel Control Number 56-43-42-30-29-001-0020

Subdivision THOUSAND OAKS

Official Records Book 24574

Page 1323

Sale Date MAY-2011

Legal Description THOUSAND OAKS LT 2 BLK 1

OwnersALBURY SHERRY &
ALBURY WILLIAM**Mailing address**1114 CENTER STONE LN
RIVIERA BEACH FL 33404 1826

Sales Date	Price	OR Book/Page	Sale Type	Owner
MAY-2011	\$140,000	24574 / 1323	WARRANTY DEED	ALBURY SHERRY &
DEC-2010	\$81,300	24272 / 1721	CERT OF TITLE	FEDERAL NATIONAL MORTGAGE ASSN
JUN-2005	\$391,000	18823 / 0872	WARRANTY DEED	TRAN THANG DUC
FEB-2005	\$325,440	18291 / 1757	WARRANTY DEED	PINELLO GAETANO

Exemption Applicant/Owner	Year	Detail
ALBURY SHERRY &	2014	

Number of Units 1	*Total Square Feet 3810	Acres 0.11
Use Code 0130 - ZERO LOT LINE	Zoning -	

Tax Year	2013	2012	2011
Improvement Value	\$129,380	\$127,380	\$124,380
Land Value	\$0	\$0	\$0
Total Market Value	\$129,380	\$127,380	\$124,380

All values are as of January 1st each year

Tax Year	2013	2012	2011
Assessed Value	\$129,380	\$127,380	\$124,380
Exemption Amount	\$50,000	\$0	\$0
Taxable Value	\$79,380	\$127,380	\$124,380

Tax Year	2013	2012	2011
Ad Valorem	\$2,079	\$3,068	\$3,049
Non Ad Valorem	\$1,173	\$1,175	\$1,180
Total tax	\$3,252	\$4,243	\$4,229

WC/3
MN

2010-10318



GFN 20110215220
OR BK 24574 PG 1323
RECORDED 06/13/2011 11:53:16
Palm Beach County, Florida
AMT 140,000.00
Doc Stamp 980.00
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1323 - 1324; (2pgs)

This instrument was prepared by:
L. Martinez
Law Offices of Marshall C. Watson, P.A.
1901 W Cypress Creek Road, 3rd Floor
Ft. Lauderdale, FL 33309

Revised 10/06/93
FL (conventional)
REO # A102RZV
Folio# 56434230290010020

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 13th day of May, 2011, by and between FEDERAL NATIONAL MORTGAGE ASSOCIATION, commonly known as Fannie Mae, PO BOX 650043, DALLAS, TX 75265-0043, a corporation organized under and existing pursuant to the laws of the United States, hereinafter called Grantor, and WILLIAM ALBURY AND SHERRY ALBURY Husband and Wife of 1114 CENTER STONE LANE, RIVIERA BEACH, FL 33404 hereinafter called Grantee.

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten Dollars in hand paid by Grantee and other valuable considerations, the receipt whereof is acknowledged, hereby grants, bargains, and sells to the said Grantee, forever, the following described land in the County of PALM BEACH, State of Florida, to-wit:

Riviera Beach, FL 33404

The property is commonly known as 1114 CENTER STONE LANE, ~~WEST PALM BEACH FL 33409~~, and is more particularly described in EXHIBIT A, attached hereto and made a part hereby of this reference.

TO HAVE AND TO HOLD the above-described property with appurtenances, unto the said Grantee, and their assigns, forever, subject to covenants and restrictions of record, zoning and land use restrictions imposed by governmental authorities, and matters an accurate survey would reveal,

AND SAID GRANTOR DOES hereby specially warrant the title to said lands and will defend the same against the lawful claims of any person whomsoever claim by, through or under the said Grantor.

IN WITNESS WHEREOF the undersigned Federal National Mortgage Association has caused these presents to be signed in its name by its undersigned officers and it's corporate seal affixed this 13th day of May, 2011.

Signed, sealed and delivered
In the presence of:

Witness _____

L. Martinez
Printed Witness Name _____

Witness _____

Jorge Porras
Printed Witness Name _____

FEDERAL NATIONAL MORTGAGE ASSOCIATION

By: *[Signature]*

ELIZABETH J. MIRANDA as
Authorized Signatory for Law Offices
of Marshall C. Watson, P.A., as
Attorney-in-Fact for FEDERAL
NATIONAL MORTGAGE
ASSOCIATION

STATE OF FLORIDA)) ss.
COUNTY OF BROWARD))

I hereby certify that on this day before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared ELIZABETH J. MIRANDA as Authorized Signatory for Law Offices of Marshall C. Watson, P.A., as Attorney-in-Fact for FEDERAL NATIONAL MORTGAGE ASSOCIATION to me known and known to be the person described in and who executed the foregoing instrument as Authorized Signatory for the corporation named therein and severally acknowledged before me they executed the same as such officers in the same and on behalf of said corporation.

Witness my hand and official seal in the county and State last aforesaid, this 13 day of May, 2011.

Notary Public, Florida
My Commission Expires:

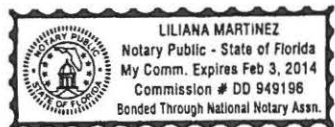


EXHIBIT "A"

LEGAL DESCRIPTION FOR

**1114 CENTER STONE LANE
WEST PALM BEACH, FL 33409**

FILE NO.: 2010-10318

REO NO.: A102RZV

**LOT 2, BLOCK 1, THOUSAND OAKS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN
PLAT BOOK 100, PAGE 135, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.**

This is not a certified copy

MEMORANDUM OF INVESTIGATION

To: Steven Cullen, Executive Director
From: Mark E. Bannon, Senior Investigator
Re: C14-004 – William H. Albury, Mayor, Town of Mangonia Park

- **Background**

This matter came to the attention of the Commission on Ethics (COE) staff via a sworn complaint filed by Addie L. Greene, of 1617 Boardman Avenue, Mangonia Park, FL 33407. The Complaint was signed and properly notarized on June 2, 2014 and was personally filed with at the Commission on Ethics (COE) office by Complainant on the same date. The Complaint listed William H. Albury as a Respondent, although documents provided by Complainant list his wife, Sherry Albury, as also being an owner of the target real property.

Attached to the sworn Complaint was a letter dated May 30, 2014. This letter was addressed to "Chairperson – Salesia V. Smith-Gordon, P.A." The letter was also signed by Complainant and listed the following statement: "I based the ethics violations below of above elected official on the attachment enclosed." The following documents were attached:

1. Homestead Fraud
2. Homestead exemption on two owned parcels in his wife and his wife's name (sic)
3. Section 2-443 – Misuse of public office in a manner which results in a special financial benefit to him and is (sic) wife, not shared with similarly situated members of the general public.
4. Copy of deed to Riviera Beach Property
5. Copy of deeds to Mangonia Park Property
6. Copy of warranty deeds

Additionally, the following documents were provided with the Complaint and submitted to the investigative file:

- **Documents provided by Complainant**

1. Copy of warranty deed showing the transfer of real property listed as 5712 Elmwood Street, West Palm Beach, FL (located in Mangonia Park) from Grantor, Gaza M. Gyorky of Bedlam, MA, to Grantees, William H. and Sherry L. Albury on February 28, 1994, and filed with the PBC Clerk of the Court on April 8, 2014. (Note: This deed lists its purpose as a correction to an original warranty deed filed sometime earlier which failed to include the Grantor's marital status as required.) (1 page)
2. Copy of a special warranty deed showing the transfer of real property located at 1114 Center Stone Lane, Riviera Beach, FL, from Grantor, Federal National Mortgage Association (Fannie Mae) of Dallas, TX, to Grantees, William Albury and Sherry Albury, Husband and Wife, on May 13, 2011, and filed with the PBC Clerk & Comptroller on June 13, 2011. (2 pages)
3. Copy of page 3 of 12 of the PBC Code of Ethics, with a partial circle drawn in ink to highlight Section 2-443, *Prohibited conduct*, and sub-section (a) *Misuse of public office of employment*, (1) and (2) on the submitted page. (1 page)

On June 4, 2014, I was assigned to this investigation. COE Intake Manger Gina Levesque had obtained some additional background documentation prior to assignment of this investigation. Based on her research, the following documents were obtained and are also submitted to the investigative file:

- **Documents provided by Intake Manager Levesque**

1. Copy of identifying information obtained from the PBC Property Appraiser website (www.pbcgov.com/papa) for the real property located at 5712 Elmwood St., Mangonia Park, FL 33407, identified by Parcel Control Number 44-43-43-05-11-002-0010, listed as being owned by William and Sherry Albury. (2 pages)
2. Copy of identifying information obtained from the PBC Property Appraiser website (www.pbcgov.com/papa) for the real property located at 1114 Center Stone Lane, Riviera Beach, FL 33404, identified by Parcel Control Number 56-43-42-30-29-001-0020, listed as being owned by Sherry and William Albury. (2 pages)

- **Applicable Law**

The Following section of the PBC Commission on Ethics Ordinance establishes jurisdiction in this investigation:

Sec. 2-254. Creation and jurisdiction.

The Palm Beach County Commission on Ethics (hereinafter "commission on ethics") is hereby established. The jurisdiction of the commission on ethics shall extend to *any person required to comply with the countywide code of ethics*, the county lobbyist registration ordinance, and the county post-employment ordinance... (Emphasis added)

The following portions of the PBC Code of Ethics ordinance are relevant to this Investigation:

Section 2-442. Definitions.

Official or employee means any official or employee of the county or the municipalities located within the county, whether paid or unpaid. The term "employee" includes but is not limited to all managers, department heads and personnel of the county or the municipalities located within the county... The term "official" shall mean members of the board of county commissioners, a mayor, members of local municipal governing bodies, and members appointed by the board of county commissioners, members of local municipal governing bodies or mayors or chief executive officers that are not members of local municipal governing body, as applicable, to serve on any advisory, quasi judicial, or any other board of the county, state, or any other regional, local, municipal, or corporate entity. (Emphasis added)

As the Mayor of the Town of Mangonia Park, Respondent William H. Albury is under the jurisdiction of the Palm Beach County Code of Ethics, and the COE.

Sec. 2-443. Prohibited conduct.

- (a) *Misuse of public office or employment.* An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:
 - (1) Himself or herself;
 - (2) His or her spouse or domestic partner, household member or persons claimed as dependents on the official or employee's latest individual federal income tax return, or the employer or business of any of these people;
- (b) *Corrupt misuse of official position.* An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to

secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.

- **Investigation:**

The Complaint alleges that Respondent, William Albury (in conjunction with his wife, Sherry Albury), own two (2) parcels of residential real property. One parcel located at 5712 Elmwood Street within the Town of Mangonia Park (PCN 44-43-43-05-11-002-0010), the second located at 1114 Center Stone Lane within the City of Riviera Beach (PCN 56-43-42-30-29-001-0020). Unofficial records obtained from the Property Appraiser website (www.pbcgov.com/papa) show this to be correct. These same records show that a Homestead Exemption was applied for on both residential properties in 2014 and that the applicant for the Homestead Exemption for the Mangonia Park property was William H. Albury and Sherry Albury, while the applicant for the Riviera Beach property was Sherry Albury and William H. Albury. This is based on a preliminary review of public records from this website, and this information has not been verified through additional investigation.

The filing of a Homestead Exemption (a partial property tax exemption available to some owners of residential property) on personally owned residential real property is based solely on state law (Chapter 222, Florida Statutes). It is alleged by Complainant that Respondent William Albury filed Homestead Exemptions on both properties, and did so in violation of state law. The COE has no jurisdiction to investigate violations of state law, unless the violation was done in a manner that also violated a provision of the PBC Code of Ethics. The most likely section of the Code of Ethics to have been violated in such a manner are found under §2-443 *Prohibited conduct*. There are two (2) subsections of §2-443. The first is §2-443(a), *Misuse of public office or employment*. The second is §2-443(b), *Corrupt misuse of official position*.

In order to find a violation of §2-443(a) *Misuse of public office or employment*, it would have to be alleged and established that a person under the jurisdiction of the Code of Ethics used his or her official position or employment to provide a "special financial benefit" for themselves, their spouse, domestic partner, household member or dependent, or one of the other persons or entities listed in this particular code section. A "financial benefit" is defined in §2-442 *Definitions*, as "...any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value..." Clearly a partial exemption on property taxes would fall within this definition of financial benefit. However, In order to be considered a "special financial benefit," as prohibited by the Code, §2-443(a) the financial benefit would also have to be one "not shared with similarly situated members of the general public." Chapter 222, Florida Statutes, states that any resident of Florida who owns residential real property within Florida, and who resides on a permanent basis within that residence may be entitled to this Homestead Exemption. Therefore, under normal circumstances this tax exemption could not be considered a "special financial benefit" because the number of people entitled to apply for this exemption is likely to be in the millions statewide, making it a benefit that is available to similarly situated members of the general public and homeowners in general. Similarly, in order to find a violation of §2-443(b) *Corrupt misuse of official position*, the actions by Respondent in filing for the a Homestead Exemptions would have to have been "done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties."

The sole exception these "misuse" provisions of the Code of Ethics would be if Respondent acted in some manner within his official position as Mayor to improperly obtain this tax exemption when he was not entitled it. There may be some question on its face as to whether Respondent and his wife are entitled to the Homestead Exemption on both residential properties. However, whether Respondent is entitled to receive this property tax exemption on both residential properties is a matter of state law to be considered by the authorities empowered to make that determination. The Palm Beach County Property Appraiser's Office would most likely make the initial determination in this issue, and if they found sufficient evidence of a fraudulent Homestead Exemption filing by Respondent and/or his wife, they would likely refer the matter to the Office of the State Attorney for the 15th Judicial Circuit for a determination as to whether criminal charges would be filed in the matter.

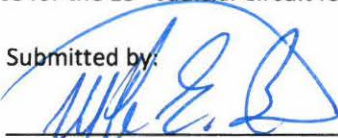
- **Analysis**

It is important to note that Complaint filed made no allegation that Respondent used his official position as Mayor to obtain any improper financial benefit via the Homestead Exemption filing process, or acted in any "corrupt manner" in his official position as Mayor. The allegation made is that Respondent is Mayor of Mangonia Park (which establishes only that the COE does have jurisdiction over certain actions he may take as Mayor), and that Respondent received a Homestead Exemption for property taxes on two separate residential properties to which he was allegedly not entitled. Complainant provided unofficial documentation of the ownership of the properties by Respondent (and his wife), and of the Homestead Exemption given for both properties, but no evidence that Respondent used his official position as Mayor to obtain these benefits. Acting as a homeowner filing for a property tax exemption on residential property is not a use of official power as the Mayor of Mangonia Park, regardless of whether this filing was lawful or not. Therefore, the necessary nexus between the alleged improper financial benefit (an allegedly improper Homestead Exemption on two separate residential properties), and the use of Respondent's position as Mayor of the Town of Mangonia Park, is neither alleged by Complainant nor established by any evidence submitted or uncovered during this Inquiry. Further, whether the tax exemptions were obtained unlawfully, while alleged, has not been established. This would need to be considered by the proper authority to make a determination.

- **Recommendation**

Because the Complaint filed does not allege or provide any evidence that Respondent used his official position as Mayor to obtain a "special financial benefit" to which he was not entitled in violation of §2-443(a) of the PBC Code of Ethics, nor allege or provide any evidence that Respondent acted in a "corrupt manner" by using his official position as Mayor of the Town of Mangonia Park with "wrongful intent" and "for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his public duties," in violation of §2-443(b) of the PBC Code of Ethics, I recommend this Complaint be administratively dismissed, and that the Memorandum of Investigation be forwarded to the Palm Beach County Property Appraiser's Office and to the State Attorney's Office for the 15th Judicial Circuit for further investigation as to violations of state law as alleged in the Complaint.


Submitted by:



Mark E. Bannon
PB County Commission on Ethics

6/27/2014
Date

Reviewed by:



(Initials)

6/27/14
Date

PALM BEACH COUNTY COMMISSION ON ETHICS

MEMORANDUM OF NO LEGAL SUFFICIENCY

To: Palm Beach County Commission on Ethics
From: Steven P. Cullen, Executive Director
Date: June 30, 2014
Re: C14-004 – William H. Albury, Mayor, Town of Mangonia Park

• **Recommendation**

Regarding this Complaint against Respondent, William H. Albury, Mayor, Town of Mangonia Park, the Executive Director has found **NO LEGAL SUFFICIENCY** in complaint number C14-004 and recommends **DISMISSAL** pursuant to Art. V, §2-260(b) and Rule of Procedure 4.2.

Legal sufficiency exists where there is an allegation of a violation of an ordinance within the jurisdiction of the Ethics Commission, purportedly committed by an individual within the authority of the Ethics Commission, based substantially on the personal knowledge of the Complainant, relating to an alleged violation occurring after the effective date of the code, and filed with the Ethics Commission within two years of the alleged violation.

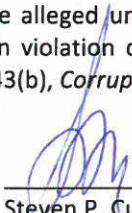
• **Background**

This matter came to the attention of the Commission on Ethics (COE) staff via a sworn complaint filed by Addie L. Greene, of 1617 Boardman Avenue, Mangonia Park, FL 33407. The Complaint was signed and properly notarized on June 2, 2014, and was personally filed with at the Commission on Ethics (COE) office by Complainant on the same date. The Complaint listed William H. Albury as a Respondent, although documents provided by Complainant list his wife, Sherry Albury, as also being an owner of the target real property.

The Complaint alleged, and some documentary evidence was provided in the Complaint, indicating that Respondent, William H. Albury and his wife, Sherry Albury, may have obtained property tax exemptions under Florida's Homestead Exemption (found in Chapter 222, Florida Statutes), for two (2) separate residential properties owned by them in violation of state law. The Complaint does not allege or provide any evidence to show that Respondent acted in his official position as Mayor of the Town of Mangonia Park in filing for these property tax exemptions. The filings appear to be completed by Respondent and/or his wife as private homeowners of the two (2) residential properties. Therefore, these actions are not within the jurisdiction of the COE to review.

• **Conclusion**

Based on the information listed in both the Complaint and the Memorandum of Investigation, there is **NO LEGAL SUFFICIENCY** for further investigation of this Complaint to be undertaken, because there is no allegation or evidence that the alleged unlawful acts were committed by Respondent using his official position as Mayor of Mangonia Park in violation of the PBC Code of Ethics, §2-443(a), *Misuse of public office or employment*, or in violation of §2-443(b), *Corrupt misuse of official position*, but rather were conducted as a private homeowner.

BY: 

Steven P. Cullen, Executive Director
Florida Bar No. 362204
PBC Commission on Ethics



Date