



Palm Beach County Commission on Ethics

Commissioners

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Executive Director

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In Re: Lee Leffingwell

C11-015

Public Report and Final Order of Dismissal

COMPLAINANT, Addie Greene, a Town of Mangonia Park Councilperson, filed the above-referenced COMPLAINT on August 23, 2011, alleging possible ethics violations involving RESPONDENT Lee Leffingwell, Town Manager, Town of Mangonia Park.

The COMPLAINT alleges that Lee Leffingwell, on various dates over the past several months, misused her position and authority as the Town Manager by failing to act when the Town Clerk, Sherry Albury, made an inappropriate comment to Councilperson Greene during the March 8, 2011 Town Council meeting. The COMPLAINT also alleges that when asked by Councilperson Greene to provide her with copies of the audio tape recording of said meeting on several occasions, Town Manager Lee Leffingwell failed to provide these tapes. Further, the COMPLAINT alleges that Town Manager Lee Leffingwell changed the locks on the administrative offices at the Town Hall without permission of the Town Council, forwarded an email sent by Councilperson Greene to Town Manager Leffingwell, to other council members and employees, and allowed staff to be disrespectful to her on various occasions.

Pursuant to Chapter 2, Article V, Division 8, Section 2-258(a)¹ of the Palm Beach County Code, the Commission on Ethics is empowered to enforce the county code of ethics. Misuse of public office is prohibited pursuant to Article XIII, sec. 2-443(a) and (b) of the Palm Beach County Code,² if that misuse is for an improper special financial benefit, or a corrupt purpose.

On September 9, 2011, after an initial inquiry into the matter, the COMPLAINT was determined by staff to be LEGALLY INSUFFICIENT, and presented to the Commission on Ethics on October 6, 2011 with a recommendation of dismissal as LEGALLY INSUFFICIENT.

According to the COMPLAINT, several incidents of alleged misconduct occurred prior to June 1, 2011, the date that the Code of Ethics and Commission on Ethics ordinances became effective in all municipalities within Palm Beach County. Therefore, the Commission on Ethics lacks jurisdiction in this matter over those alleged incidents.³ An initial inquiry by COE staff found³ that none of the allegations, even if true, constitute a violation of the Palm Beach County Code of Ethics by Respondent Lee Leffingwell.

¹ Article V, Division 8, section 2-258. Powers and duties. (a) The commission on ethics shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided. The commission on ethics shall be empowered to review, interpret, render advisory opinions and enforce the;

- (1) County Code of Ethics;
- (2) County Post-Employment Ordinance, and
- (3) County Lobbyist Registration Ordinance.

² Article XIII, 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 financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities. [as specified in Sub-sections 1-7]
- (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

³ Sec. 2-260.6. Prospective jurisdiction

The commission on ethics shall be empowered to consider alleged violations within its jurisdiction committed on or after the effective date of the ordinances set forth in section 2-258(a), as each may be amended from time to time.

The Commission on Ethics reviewed the investigative report, determined that none of the allegations against RESPONDENT, Lee Leffingwell, even if true, violated the Palm Beach County Code of Ethics, and DISMISSED the COMPLAINT on October 6, 2011, due to NO LEGAL SUFFICIENCY.

Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT against RESPONDENT Lee Leffingwell is hereby DISMISSED.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on October 6, 2011.

Palm Beach County Commission on Ethics

By:


Edward Rodgers, Chair

Any alleged violation committed before the effective date of any such ordinance or amendment shall be governed by the applicable law in effect at the time of the alleged violation.

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