



Palm Beach County Commission on Ethics

Commissioners

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Executive Director

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In Re: William Albury

C11-016

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 William Albury, Mayor, Town of Mangonia Park.

The COMPLAINT alleges that William Albury, on June 14, 2011, misused his position and authority as Mayor by sending a letter to Complainant Greene that alleged Councilperson Greene had failed to follow Town policy in the cancellation of a training seminar, that she mistreated several Town employees during this cancellation process, and that she was not to direct Town staff, as this was the responsibility of the Town Manager. The COMPLAINT also alleges that William Albury was the sitting Mayor when his wife, Sherry Albury was promoted from Deputy Town Clerk to Town Clerk in 2007. Further, the COMPLAINT alleges that Mayor Albury acted improperly when he refused to remain at a luncheon for senior citizens sponsored by Councilperson Greene and another council member, stating that he was not invited. Finally, the COMPLAINT alleges that Mayor Albury misused his power in actions pertaining to raising the rent for office space for outside entities at the Town Hall, and allowing the Town Hall Council Chambers to be re-named in his honor at some point.

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, some incidents of alleged misconduct may have 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 William Albury.

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, William Albury, over which they had jurisdiction, 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 William Albury 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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