



# Palm Beach County Commission on Ethics

## Commissioners

Manuel Farach, *Chair*  
Robin N. Fiore, *Vice Chair*  
Edward Rodgers  
Ronald E. Harbison  
Daniel T. Galo

## Executive Director

Alan S. Johnson

In Re: Nelson "Woodie" McDuffie  
City of Delray Beach

C12-005

## Public Report and Final Order of Dismissal

**COMPLAINANT**, Richard Van Gemert, filed the above-referenced **COMPLAINT** on June 8, 2012, alleging a possible ethics violation involving **RESPONDENT**, Nelson "Woodie" McDuffie, Mayor of the City of Delray Beach.

The **COMPLAINT** alleges **RESPONDENT** failed to call for a vote at the close of public comments concerning a private party application for change in land use designation and zoning for a tract of land within the city. The **COMPLAINT** further alleges that the Application was withdrawn, and the matter was tabled in order for the Applicant to re-submit the application under a different zoning change request, in violation of the rules of procedure for a quasi-judicial hearing.

On June 21, 2012, after reviewing the **COMPLAINT**, supporting affidavit and memorandum of inquiry, the **COMPLAINT** was determined by staff to be **LEGALLY INSUFFICIENT**, and presented to the Commission on Ethics on July 12, 2012 with a recommendation of dismissal as **LEGALLY INSUFFICIENT**.

The Commission on Ethics reviewed the **COMPLAINT** and memorandum of inquiry and determined that there is no allegation by **COMPLAINANT**, or information known or uncovered to indicate that **RESPONDENT** acted in his official position in violation of the Code of Ethics. Further, there is evidence based on both records obtained during the Inquiry, and the statements of **RESPONDENT** and **COMPLAINANT**, that **RESPONDENT** received no financial or corrupt benefit.

Therefore, the Commission has determined that the actions taken of the **RESPONDENT**, Nelson "Woodie" McDuffie, do not constitute a violation of the Code of Ethics and **DISMISSED** the **COMPLAINT** on July 12, 2012, due to **NO LEGAL SUFFICIENCY**.

Therefore it is:

**ORDERED AND ADJUDGED THAT** the **COMPLAINT** against **RESPONDENT** Nelson "Woodie" McDuffie is hereby **DISMISSED**.

**DONE AND ORDERED** by the Palm Beach County Commission on Ethics in public session on July 12, 2012.

Palm Beach County Commission on Ethics

By:

Manuel Farach, Chair