

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT COURT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

DAWN PARDO,

Case No.:502006CA014101XXXXMB AA

Petitioner,

vs.

JIM JACKSON, NORMA DUNCOMBE,
VANESSA LEE, ELIZABETH WADE,
ANN ILES, as city council members of
the City of Riviera Beach, a municipality
of the State of Florida, CARRIE WARD,
as city clerk of the City of Riviera Beach,
a municipality of the State of Florida,
and CITY OF RIVIERA BEACH, a municipality
of the State of Florida

Respondents.

MOTION FOR SANCTIONS

Petitioner Dawn Pardo ask the Court to enter an Order of Sanctions against Respondent, Norma Duncombe, Vanessa Lee, Elizabeth Wade and Ann Iles ("City Council"), Carrie Ward, ("City Clerk") and City of Riviera Beach and as grounds therefore would show:

1. Filed concurrent herewith is Petitioner's Motion to Strike the Affidavit of Richell Breakwell. Petitioner incorporates herein that motion and all exhibits and affidavits filed therewith.
2. Section 104.091, Florida Statutes entitled "Aiding, abetting, advising, or conspiring in violation of the code" states In part as follows:
 - (1) Any person who knowingly aids, abets, or advises the violation of this code shall be punished in like manner as the principal offender.
 - (2) Any person who agrees, conspires, combines, or

confederates with another person to commit a violation of this code shall be punished as if he or she had committed the violation.

3. By filing the affidavit of Richell Breakwell with the Court, Respondents have aided, abetted and conspired, and agreed, combined and confederated to violate the Election Code.
4. Respondents, in particular, Respondent Carrie Ward, have the original petitions submitted by Petitioner Dawn Pardo and thoroughly inspected those petitions as evidenced by the certificates that City Clerk Carrie Ward prepared, which are on file with the Court. Respondents thus knew, or are charged with the knowledge about Richell Breakwell's false affidavit.
5. Because Respondents have conspired, combined or confederated with Richell Breakwell in the filing of the false affidavit, they have violated Section 104.091, and sanctions must be entered against them.
6. Further, the filing of the affidavit with the Court is a fraud upon the Court committed by the Respondents, giving further grounds for the imposition of sanctions, including the striking of all defenses. See *Andrews v. Palmas De Majorca Condominium*, 898 So. 2d 1066 (Fla. 5th DCA 2005) and *Cherubino v. Fenstersheib and Fox, P.A.*, 925 So. 2d 1066 (Fla. 4th DCA 2006)
7. Many of these Respondents are elected officials who swore an oath of office. Respondents have committed the most egregious acts against the very constituents whom they were elected to represent. Respondents' have used illegal methods to interfere with and sabotage Petitioner's constitutional right to petition her government for redress. Such actions cannot be condoned but

Deli on Singer Island Florida on or about October 15, 2006.

Ms. Breakwell further claims that she signed the subject petitions at the Sands Hotel on Singer Island and at the Singer Island Health and Fitness Center on Singer Island also on October 15, 2006.

4. Petitioner and the Petition Committee have maintained copies of all of the subject petitions submitted to the City of Riviera Beach. A review of the petitions from Grator Gator Deli, Sands Hotel and Singer Island Health and Fitness Center on Singer Island established that the signature of Richell Breakwell does not appear any of these petitions. See affidavit of Gordon Rowse, a Petition Committee Member, filed herewith.
5. The petition and signatures from the Sands Hotel were never submitted to the City of Riviera Beach. See affidavit of Gordon Rowse. Further, the signature of Richell Breakwell does not appear on any of the petitions, see Affidavit of Gordon Rowse.
6. The Affiant Richell Breakwell either falsely swore that she signed the petitions, or signed them with a fictitious name. Both actions are crimes under the Florida Election Code. It is further a crime under the Election Code knowingly sign a petition more than one time. Section 104.185, Florida Statutes states as follows:

(1) A person who knowingly signs a petition or petitions for a candidate, a minor political party, or an issue more than one time commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person who signs another a person's name or a fictitious name to any petition to secure ballot position for a candidate, a

minor political party, or an issue commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

7. By apparently falsely swearing out the affidavit filed in this action, Richell Breakwell may have also violated Section 104.011, Florida Statutes, which states in part:

(1) a person who willfully swears or affirms falsely to any oath or affirmation, or willfully procures another person to swear or affirm falsely to an oath or affirmation, in connection with or arising out of voting or elections commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084.
8. The affidavit must be stricken given the fact that it was procured through criminal activity. Even if Rocelle Breakwell did sign petitions, she has violated Section 104.185(1). If she signed with a fictitious name, she has violated Section 104.185(2). If she did neither, then she has violated Section 104.011(1) by willfully swearing out a false affidavit arising out of voting or elections.
9. The affidavit should also be stricken since it is not relevant. Richell Breakwell is not a registered voter in the City of Riviera Beach. Even if the statements contained in her affidavit were true, they are not relevant because her signature would not have been verified and counted by the Supervisor of Elections.
10. Further, the affidavit has been filed in bad faith by the Respondents. Respondents have willfully attempted to sabotage their citizens constitutional right to petition their government by utilizing a private investigator to

rather must be punished.

8. Given the severity of Respondents' conduct, all of their pleadings and defenses in this action should be stricken and a peremptory writ of mandamus should issue forthwith to set the elections of the issues called for in the petitions.

WHEREFORE, Petitioner Dawn Pardo request the Court to enter an Order imposing sanctions against Respondents including but not limited to the striking of all pleadings and defenses an award of attorney's fees, and such other further relief as the Court deems proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Facsimile and U.S. Mail to: Brian B. Joslyn, Esq., 515 North Flagler Drive, Suite 1900, West Palm Beach, FL 33401 and Richard A. Jarolem, Esq., Casey, Ciklin, Lubitz, Martens & O'Connell, 515 North Flagler Drive, 18th Floor, West Palm Beach, FL 33401 on this 30th day of January, 2007.

SCOTT, HARRIS, BRYAN,
BARRA & JORGENSEN, P.A.
Attorneys for Plaintiff
4400 PGA Boulevard, Suite 800
Palm Beach Gardens, FL 33410
Telephone No: (561) 624-3900
Facsimile No: (561) 624-3533

~~JOHN M. JORGENSEN~~
Florida Bar No: 348112
S. BRIAN BULL
Florida Bar No. 363560

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Respondents.

MOTION TO STRIKE AFFIDAVIT OF RICHELL BREAKWELL

Petitioner DAWN PARDO requests the Court to enter an Order striking the affidavit of Richell Breakwell and as grounds therefore would show:

1. Respondents filed with the Court on January 26, 2007 the affidavit of Richell Breakwell in connection with the show cause hearing on Petitioner's Complaint for Writ of Mandamus. A copy of the affidavit of Richell Breakwell is attached as Exhibit "A".
2. In the affidavit, Richell Breakwell identifies herself as an investigator for CTC International. Attached as Exhibit "B" is a page from the website of CTC International identifying Richell Breakwell as having twenty-one (21) years of experience in the CIA.
3. Ms. Breakwell claims that she signed the subject petitions at Grator Gator

affirmatively create errors in the signature gathering for the petitions.

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SCOTT, HARRIS, BRYAN,
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Attorneys for Plaintiff
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