\*\*\*\* CASE NUMBER: 502022CA011909XXXXMB Div: AI \*\*\*\* Filing # 162410413 E-Filed 12/05/2022 04:45:09 PM

# IN THE CIRCUIT COURT OF THE $15^{\mathrm{TH}}$ JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

KEITH A. JAMES

CASE NO:

Plaintiff,

 $\mathbf{V}$ 

RODNEY BRIAN MAYO, WENDY SARTORY LINK AS PALM BEACH COUNTY SUPERVISOR OF ELECTIONS, and THE CITY OF WEST PALM BEACH, FLORIDA

COMPLAINT FOR DECLARATORY RELIEF AND INJUNCTION

COMES NOW the Plaintiff, KEITH A. JAMES ("JAMES"), by and through his undersigned attorney, and files this Complaint against Defendants RODNEY BRIAN MAYO ("MAYO"), WENDY SARTORY LINK AS PALM BEACH COUNTY SUPERVISOR OF ELECTIONS ("LINK"), and THE CITY OF WEST PALM BEACH ("THE CITY") and alleges:

- 1. This litigation seeks a Declaratory Judgment as well as temporary, mandatory, and permanent injunctions pursuant to Chapter 86, Florida Statute adjudicating the fact that MAYO does not qualify to be a candidate for the office of Mayor of The City of West Palm Beach, and enjoining MAYO, LINK, and THE CITY from taking any further steps in connection with MAYO'S candidacy for said position.
- 2. At all times material hereto, JAMES is and was over the age of eighteen years, a resident of West Palm Beach, Palm Beach County, Florida, and is presently the Mayor of THE CITY as well as a candidate to retain his position in the upcoming election scheduled to be held on March 14, 2023.
- 3. At all times material hereto, MAYO is and was over the age of eighteen years of age and has been a resident of the Town of Lantana, Florida.

FILED: PALM BEACH COUNTY, FL, JOSEPH ABRUZZO, CLERK, 12/05/2022 04:45:09 PM

- 4. At all times material hereto, LINK is and was over the age of eighteen years and is the Supervisor of Elections for Palm Beach County.
- 5. At all times material hereto, THE CITY was and is located in Palm Beach County, Florida and JAMES is the duly-elected Mayor. Defendant MAYO is a candidate for the position of Mayor of THE CITY, however, as is explained below, he is not qualified to pursue this candidacy.
- 6. Pursuant to The City's Ordinance, Section 2.01, a candidate for Mayor of THE CITY is required to have continuously resided in THE CITY during the six-month period immediately prior to the date of the election and is required to continuously reside in THE CITY during the Mayor's term of office. A copy of this Ordinance is attached hereto as **Exhibit A**.
- 7. Since the mayoral election is scheduled to be held on Tuesday, March 14, 2023, any candidate who is seeking to be elected to this position is required to have resided in THE CITY since approximately September 14, 2023.
- 8. On November 14, 2022, MAYO filed an Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates, a Statement of Candidate, a Statement of Financial Interests, a Candidate Oath Nonpartisan Office with office of the City Clerk of West Palm Beach and indicated his intention to be a candidate for Mayor of THE CITY in the upcoming election. Copies of these filings are attached hereto as Composite **Exhibit B**.
- Among the representations MAYO made in connection with these filings, was that his residential address was and is 518-520 Clematis St. Apartment 1, West Palm Beach Florida, 33401. Implicit in this representation was and is the fact that he has resided at the Clematis Street address or at another address in THE CITY as of September 14, 2022, and that he intended to reside in THE CITY continuously prior to the date of the election, March 14, 2023. In fact, this

statement by MAYO regarding his residence was false; the actual address of his residence as of the date of the commencement six-month required pre-election residency period and possibly including the date of his filing as a candidate was and is 6171 Pine Drive, *Lantana*, Florida 33462; and he has continued to reside at the Lantana address following his filing.

- 10. It is Plaintiff's position that since MAYO's residence was in the Town of Lantana as of September 14, 2022, at the time of his filing to be a candidate for Mayor of THE CITY on November 14, 2022, and thereafter, he would not satisfy the requirement that he continuously be a resident of THE CITY for the period of six-months prior to the scheduled election; that the address of his "residence" that he stated in the filing was false; and therefore he is disqualified from seeking the position of Mayor.
- 11. JAMES does not know whether or not LINK is aware of the fact that MAYO cannot qualify as a mayoral candidate for THE CITY, and therefore she has been included in this litigation to enjoin her from proceeding forward with any steps she might be taking as if MAYO was a candidate qualified to seek the office of THE CITY's Mayor. Therefore, an injunction should be issued which instructs LINK to cease taking any steps which she would normally be undertaking as Supervisor of Elections if MAYO was a qualified candidate.
- 12. Due to the nature of this litigation and the timing of same as well as the relief which JAMES is seeking in this litigation, JAMES lacks an adequate remedy at law. Therefore, this Court should enter temporary and permanent injunctions restraining MAYO from seeking the office of Mayor, and LINK from treating MAYO as a legitimate candidate.
- 13. Although JAMES is unaware of what measures THE CITY is presently taking with regard to the improper candidacy of MAYO for the position of Mayor, THE CITY should likewise

be temporarily and permanently enjoined from any actions which would treat MAYO as a legitimate candidate.

WHEREFORE, Plaintiff KEITH JAMES demands that this Court issue a Declaratory Judgment which holds that RODNEY BRIAN MAYO is ineligible to seek election for the position of Mayor of The City of West Palm Beach; that this Court issue temporary and permanent injunctions requiring that Defendant WENDY SARTORY LINK, AS PALM BEACH COUNTY SUPERVISOR OF ELECTIONS halt any steps she would normally be taking assuming that RODNEY BRIAN MAYO was a legitimate candidate for Mayor of THE CITY; that THE CITY OF WEST PALM BEACH take those steps necessary to halt the improper candidacy of RODNEY BRIAN MAYO, and that RODNEY BRYAN MAYO be enjoined from taking any steps to further his candidacy. Plaintiff further requests that this Court award costs, and if appropriate, attorney's fees to the Plaintiff in connection with this litigation.

Respectfully submitted,

### FISHER POTTER HODAS, PLLC

515 North Flagler Drive, Suite 800 West Palm Beach, FL 33401 Tel: (561) 832-1005

Facsimile: (561) 820-9375

By: /s/ Gerald F. Richman GERALD F. RICHMAN Florida Bar No. 66457

gerry@fphlegal.com; eservice@FPHlegal.com

Attorneys for Plaintiff

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of foregoing document was served by process service on this 5th day of December, 2022 to: Rodney Brian Mayo, 520 Clematis Street, Apt 1, West Palm Beach, FL 33401 and 6171 Pine Dr., Lantana, FL 33462; Wendy

**Sartory Link** Supervisor of Elections of Palm Beach County, 240 South Military Trail, West Palm Beach, FL 33415; **Hazel Carson**, City Clerk, City of Wes Palm Beach, 401 Clematis Street, West Palm Beach, FL 33401.

By: <u>/s/ Gerald F. Richman</u> GERALD F. RICHMAN Florida Bar No. 66457 gerry@fphlegal.com



Sec. 2.01. - City commission; district boundaries established for residency to qualify for candidacy; reappointment.

SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTIONCOMPARE VERSIONS

The city commission shall consist of five (5) city commissioners and a mayor who are elected at-large on a nonpartisan basis. Each city commissioner shall be a qualified elector of the city and shall be a resident of the district from which he or she is elected. The mayor shall be a qualified elector of the city and may reside in any district within the city. City commissioners and the mayor shall be elected by a citywide vote. The boundary for each of the five (5) districts for the office of city commissioner is described in Appendix B of this Charter. The district boundaries may change by annexation, contraction and reapportionment in accordance with this charter.

A candidate for the office of mayor shall have continuously resided in the city during the six-month period immediately prior to the date of election. A candidate for the office of city commissioner shall have continuously resided during the six-month period immediately prior to the date of election in the respective district from which the candidate seeks to qualify for election. The city commission by ordinance may provide for evidence acceptable to establish domicile or legal residence.

The mayor shall reside continuously in the city during the mayor's term of office. Each city commissioner shall reside continuously during the commissioner's term of office in the district from which the commissioner was elected.

The district boundaries shall be reapportioned every ten (10) years based upon the official Florida State and Federal Census. The city commission shall adopt an ordinance containing the reapportionment within six (6) months of the date of official publication of the most recent official Florida State and Federal Census.

District boundaries shall be reapportioned to create districts of nearly equal population. Districts shall be arranged in a logical and compact geographic pattern and shall promote fair representation. Service boundaries of public facilities shall be considered.

# APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN **DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)



NOV 14 2022

CITY OF WEST PALM BEACH **OFFICE OF THE CITY CLERK** 

NOTE: This form must officer before opening th			alifying						OFFIC	E USE ONLY
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Rodney Mayo	)				•	20 Clema	tis St Apt 1	Q	<b>Y</b>	
4. Telephone	5. E-m	ail address					ch, FL 334	01	,	
(561)714-2382	R@sı	ubculturegrou	up.cor	n						
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# APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FOR CANDIDATES

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

# RECEIVED

NOV 14 2022

CITY OF WEST PALM BEACH OFFICE OF THE CITY CLERK

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CHECK APPROPRIATE     Initial Filing of Form		The second second	reasure	er/Deputy	Depository		Office Party
2. Name of Candidate (in	this orde	er: First, Middle, Last)	3. A	ddress (includ	e post office bo	x or s	treet, city, state, zip
Rodney Mayo		,	cod				) and a contract the
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(561)714-2382	R@sı	ubculturegroup.con			2011, 12 30 10		
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STATEMENT OF CANDIDATE

(Section 106.023, F.S.)
(Please print or type)

NOV 14 2022

CITY OF WEST PALM BEACH OFFICE OF THE CITY CLERK

Rodney Mayo

candidate for the office of Mayor City of West Palm Beach

have been provided access to read and understand the requirements of

Chapter 106, Florida Statutes.

Signature of Candidate

11/14/2022

Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).

# FORM 1

# STATEMENT OF

2021

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Hullabaloo West Palm Be	Hulab	pabloo	517 Clematis St		Restaurant
Subculture Coffee	Subci	ılture	509 Clematis St		Coffee Shop/see attached
PART C REAL PROPERTY [Lar	d, buildir	ngs owned by the reporting person	on - See instructions]		e not limited to the space on the
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518-520 Clematis St West				FILING	INSTRUCTIONS for when
517-519 Clematis St West	Palm I	Beach			here to file this form are d at the bottom of page 2.
526 Clematis St West Palm	Beac	h			UCTIONS on who must file
115 S Narcissus Ave West	Palm	Beach/ see additional sh	neet		orm and how to fill it out on page 3.

Date Signed:

11/14/2022

r, \_\_\_\_\_, prepared the CE Form 1 in accordance with Section 112.3145, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

CPA/Attorney Signature:

Date Signed:

## FILING INSTRUCTIONS:

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location. To determine what category your position falls under, see page 3 of instructions.

Local officers/employees file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.) Form 1 filers who file with the Supervisor of Elections may file by mail or email. Contact your Supervisor of Elections for the mailing address or email address to use. Do not email your form to the Commission on Ethics, it will be

State officers or specified state employees who file with the Commission on Ethics may file by mail or email. To file by mail, send the completed form to P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 325 John Knox Rd, Bldg E, Ste 200, Tallahassee, FL 32303. To file with the Commission by email, scan your completed form and any attachments as a pdf (do not use any other format), send it to CEForm1@leg.state.fl.us and retain a copy for your records. Do not file by both mail and email. Choose only one filing method. Form 6s will not be accepted via email.

Candidates file this form together with their filing papers.

MULTIPLE FILING UNNECESSARY: A candidate who files a Form 1 with a qualifying officer is not required to file with the Commission or Supervisor of Elections.

WHEN TO FILE: Initially, each local officer/employee, state officer, and specified state employee must file within 30 days of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their

Candidates must file at the same time they file their qualifying

Thereafter, file by July 1 following each calendar year in which they hold their positions.

Finally, file a final disclosure form (Form 1F) within 60 days of leaving office or employment. Filing a CE Form 1F (Final Statement of Financial Interests) does not relieve the filer of filing a CE Form 1 if the filer was in his or her position on December 31, 2021.

# Rodney Mayo 11/14/2022

								ach
Real Property Part C	(Describe Type of Property)	commercial 518-520 Clematis street	commercial 517-519 Clematis street	commercial 526 Clematis street	commercial 115 S Narcissus WPB	commerical 3950 Georgia ave WPB	commerical 2605 Pinewood ave WPB	commercial 302 ne 6th ave, delray beach

Interests in Specified Bussiness Part F and PART L	T D — INTANGIBLE PERSONAL PROPERTY	SONAL PROPERTY			
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hussiness interest Hullabatoo	restaurant	President	yes	owner	yes
hussiness interest DaDa Delray	restaurant	President	yes	owner	yes
hussiness interest Honey Delray	Club/Lounge	President	yes	owner	yes
bussiness interest Howlevs	restaurant	President	yes	owner	yes
hussiness interest Dubliner Boca Raton	restaurant	President	yes	owner	yes
hissiness interest Subculture west nalm beach	coffee shop	President	yes	owner	yes
bussiness interest Camelot	Club/Lounge	President	yes	owner	yes
hussiness interest Subculture PGA	coffee shop	President	yes	owner	yes
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bussiness interest Subculture Jupiter	coffee shop	President	yes	owner	yes
hussiness interest Kanow West Palm	restaurant	President	yes	owner	ves

Rodney Mayo

# CANDIDATE OATH NONPARTISAN OFFICE

Do not use this form if a Judicial or School Board Candidate)

Check box **only** if you are seeking to qualify as a write-in candidate:

Write-in candidate

# RECEIVED

NOV 14 2022

CITY OF WEST PALM BEACH
OFFICE OF THE CITY CLERKICE USE ONLY

## Candidate Oath (Section 99.021(1)(a), Florida Statutes) I, Rodney Mayo (Print name above as you wish it to appear on the ballot. If your last name consists of two or more names but has no hyphen, check box (see page 2 - Compound Last Names). No change can be made after the end of qualifying. Although a write-in candidate's name is not printed on the ballot, the name must be printed above for oath purposes.) West Palm Beach am a candidate for the nonpartisan office of Mayor (District #) (Office) ; I am a qualified elector of Palm Beach County, Florida; (Circuit #) (Group or Seat #) I am qualified under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida. Candidate's Florida Voter Registration Number (located on your voter information card): 112236263 Phonetic spelling for audio ballot: Print name phonetically on the line below as you wish it to be pronounced on the audio ballot as may be used by persons with disabilities (see instructions on page 2 of this form): [Not applicable to write-in candidates.] (561) 714-2382 R@subculturegroup.com Telephone Number Email Address Signature of Candidate 33401 West Palm Beach FL 518-520 Clematis St Apt 1 ZIP Code State City Address STATE OF FLORIDA Signature of Notary Public COUNTY OF Palm Reach Print, Type, or Stamp Commissioned Name of Notary Public below: Sworn to (or affirmed) and subscribed before me by means of online notarization physical presence stary Public-State of Florida Commission # HH 93408 y Commission Expires February 15, 2025 OR Produced Identification Personally Known Type of Identification Produced:

