

STATE OF FLORIDA
COMMISSION ON ETHICS
P. O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709

COMPLAINT

1. PERSON BRINGING COMPLAINT:

Name: _____ Telephone Number: _____

Address: _____

City: _____ County: _____ Zip Code: _____

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

Current or former public officer, public employee, candidate, or lobbyist - please use one complaint form for each person you wish to complain against:

Name: _____ Telephone Number: _____

Address: _____

City: _____ County: _____ Zip Code: _____

Title of office or position held or sought: _____

3. STATEMENT OF FACTS:

Please explain your complaint fully, either on the reverse side of this form or on additional sheets, providing a detailed description of the facts and the actions of the person named above. Include relevant dates and the names and addresses of persons whom you believe may be witnesses. If you believe that a particular provision of Article II, Section 8, Florida Constitution (the Sunshine Amendment) or of Part III, Chapter 112, Florida Statutes (the Code of Ethics for Public Officers and Employees) has been violated, please state the specific section(s). Please do not attach copies of lengthy documents; if they are relevant, your description of them will suffice. Also, please do not submit video tapes or audio tapes.

4. OATH

I, the person bringing this complaint, do depose on oath or affirmation and say that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me
this _____ day of _____,
20____, by _____
(name of person making statement)

(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification _____
Type of Identification Produced: _____

SIGNATURE OF COMPLAINANT

Jeff Ensminger
Complainant
1941 Kirkwood St.
Deltona, FL 32738
Volusia County

April 7, 2010

State of Florida Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709

Dear Commission,

I, Jeffrey P. Ensminger, "The complainant," having first been duly sworn do hereby affirm the following statements to be true:

1. Dennis Edward Mulder is a public official of the City of Deltona (a Florida municipality), as its Mayor.
2. At all times material to this complaint, Dennis E. Mulder served as Mayor of the City of Deltona.
3. **On June 16, 2008 Mayor Mulder voted *affirmatively* to give \$5,000 in tax dollars to DELTONA TENNIS ASSOCIATION.**
4. During a regular commission meeting held on December 15, 2008, the DELTONA TENNIS ASSOCIATION requested the City of Deltona renew its annual use agreement for exclusive use of the Wes Crile Community Center tennis *courts* at no charge to the DELTONA TENNIS ASSOCIATION. Mayor Mulder voted to *approve* the request.
5. In another vote during the same regular commission meeting that was held on December 15, 2008, the DELTONA TENNIS ASSOCIATION also requested the City renew its annual facility use agreement for exclusive use of the Wes Crile *Community Center, facilities, and amenities*, at no charge to the DELTONA TENNIS ASSOCIATION. Again, Mayor Mulder voted to *approve* the request.
6. During a regular commission meeting held on October 5, 2009, the DELTONA TENNIS ASSOCIATION requested the City of Deltona renew its annual use agreement for exclusive use of the Wes Crile Community Center *tennis courts* at no charge to the DELTONA TENNIS ASSOCIATION. Mayor Mulder voted to *approve* the request.
7. In a subsequent vote during the same regular commission meeting that was held on October 5, 2009, the DELTONA TENNIS ASSOCIATION also requested the City renew its facility use agreement for exclusive use of the Wes Crile *Community Center, facilities, and amenities*, at no charge to the DELTONA TENNIS ASSOCIATION. Again, Mayor Mulder voted to *approve* the request.
8. On November 5, 2007, Mayor Mulder voted *affirmatively* to renew DELTONA TENNIS ASSOCIATION's annual use agreement for exclusive use of the Wes Crile Community Center *tennis courts* at no charge to the DELTONA TENNIS ASSOCIATION.
9. On November 5, 2007, Mayor Mulder voted *affirmatively* to renew DELTONA TENNIS ASSOCIATION's facility use agreement for exclusive use of the Wes Crile *Community Center, facilities, and amenities*, at no charge to the DELTONA TENNIS ASSOCIATION.

- 10. On April 7, 2010, the Daytona Beach News-Journal reported that Mayor Mulder is an owner of a business in the City of Deltona (news article attached), however, the State’s sunbiz.org does not list Mulder as an officer of any Deltona business.
- 11. In emails dated March 12, 2009, Mayor Mulder’s wife Heather Mulder requested from the Mayor’s assistant Jean Oertli that she arrange taxpayer-funded field trips for the Deltona Tennis Association and also for the DTA Academy Daycare, which is owned by Heather Mulder. Emails are attached.
- 12. In emails dated June 16, 2009 – after the city held private field trips for Deltona Tennis Association and DTA Academy - Mayor Mulder’s wife Heather Mulder and City employee Wendi Jackson both acknowledged the Deltona Tennis Association kids as being “the Mayor’s kids.” Emails are attached.
- 13. Claimant is concerned that Mayor Mulder has a business interest in Deltona Tennis Association that is hidden from the Public, and that Mulder voted in conflict when he voted on multiple occasions to provide public resources and funds to DELTONA TENNIS ASSOCIATION.

NOW THEREFORE, the complainant requests that the Commission on Ethics investigate this complaint to determine if any violation of Florida Statutes 112.313 or 112.3143 was committed by Mayor Dennis Mulder when he voted in favor of providing public money or use of public resources exclusively to DELTONA TENNIS ASSOCIATION, to which he is directly linked by his wife Heather Mulder and City of Deltona employee Wendi Jackson in the attached emails.

CONTACT INFORMATION OF AFOREMENTIONED WITNESSES AND PARTIES

Jeffrey P. Ensminger, Complainant ● 1941 Kirkwood St., Deltona FL 32738 ● (386) 860-3905 ● jensminger@cfl.rr.com
 Dennis Edward Mulder, Respondent ● 764 Shafton Ave., Deltona FL 32738 ● (386) 216-3620 ● dmulder@deltonafl.gov
The address for Mayor Mulder was obtained from the 2010 2nd Quarter Official City Newsletter (attached)
 Heather Mulder ● 2092 Apple Ct. ● Deltona, FL ● 32725-3271 ● (386) 860-4408
 Wendi Jackson ● 2345 Providence Blvd. ● Deltona, FL ● 32725 ● (386) 878-8100
 Jean Oertli ● 2345 Providence Blvd. ● Deltona, FL ● 32725 ● (386) 878-8100

I, Jeffrey P. Ensminger, hereby affirm that the foregoing allegations found in paragraphs 1-19 above to be true.

Jeffrey Ensminger
 1941 Kirkwood St. Deltona, FL 32738
 Phone (386) 860-3905

Sworn to and subscribed before me on this ____ day of _____, 2010 by Jeffrey Ensminger.

Method of ID: Personally Known to Me; or Florida Driver's License

Notary Public
 State of Florida

My Commission Expires:

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Deltona citizens may get tax rebates

By MARK HARPER, Staff writer

April 7, 2010 12:05 AM 8 Comments 0 Votes

Posted in: West Volusia | Tagged: Deltona City Commission

DELTONA -- Mayor Dennis Mulder says his city isn't spending as much money as it's collecting, and he wants to give some back to residents.

The mayor announced his "annual incentive program" late Monday night at a City Commission meeting, and said in an interview Tuesday he hopes to have it approved by early May. He doesn't like the term "rebates," but essentially under his plan City Hall will mail checks to all those residents who pay taxes on homesteaded property.

The city is on track to be under budget by about \$3.5 million at the end of the current fiscal year, Mulder said. The amount of the checks he expects to cut ranges from roughly \$150 to \$300, based on the amounts homeowners paid.

Mulder, who says he's undecided but leaning against seeking re-election later this year, had announced a plan in January 2008 that would have eliminated city taxes for all homesteaded properties in Deltona. But that was just before the value of single-family homes plummeted 39 percent in Deltona during the last two years.

The city itself has responded by eliminating mostly through attrition about 25 percent of its work force.

"It's up to the city to decide what they want to do with their money and any surplus they have," said Morgan Gilreath, Volusia County property appraiser. "This is a very unusual proposal. I've never heard of it before."

Gilreath speculated that those paying taxes in Deltona who don't have homestead exemptions -- such as business owners and landlords -- might challenge the proposal as discriminating against them, in favor of voters in city elections. Why not, he asked, simply reduce the tax rate for everyone next year?

Mulder responded by saying that if Deltona were to drastically reduce the tax rate, collecting far less money, and its other revenue streams dried up, Deltona might not be able to assure its residents of the most essential services, such as adequately staffed police and fire departments. And Florida law makes it more difficult to raise tax rates than reduce them. The mayor -- who owns a business in the city -- said he considers Deltona's property tax rate to be fair, "one of the lowest around."

Deltona's current rate is 35.44 per \$1,000 of taxable value.

Mulder argues the ultimate goal is to give incentives to homesteaded property owners to move to and stay in Deltona.

"These are the people who have the biggest investment," he said. "We want to give them the incentive to build their lives here."

Other reactions to Mulder's plan are mixed. Commissioner Michael Carmolingo is a fan.

"The mayor did a great job," he said. "I was totally surprised. It almost sounds too good to be true."

Vice Mayor Michele McFall-Conte said she wanted to see more information, while Commissioner Herb Zischkau dismissed Mulder's plan with an expression from his childhood about how unreliable Native Americans found the government to be when they entered into a treaty.

"White man speak with forked tongue," Zischkau said.

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- Potsdam:** Hey you idiots elected him so be quiet. And it's... read more
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- snappy:** Drop him 100 miles offshore and let him peep at... read more
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From: "Jean Oertli" <JOertli@deltonafl.gov>
To: <mulder1143@aol.com>
Sent: Tuesday, March 17, 2009 1:39 PM
Subject: RE: Field Trip
Thanks Heather. 9:30am is great.

*Have a great day,
Jean*



We are America!!

*Jean W. Oertli, Executive Assistant
to the Mayor and Commission
City of Deltona
2345 Providence Boulevard, Deltona, Florida 32725
386-878-8860, Fax 386-878-8851
joertli@deltonafl.gov
www.deltonafl.gov*

From: mulder1143@aol.com [mailto:mulder1143@aol.com]
Sent: Tuesday, March 17, 2009 11:04 AM
To: Jean Oertli
Subject: Re: Field Trip

Can we make it 9:30? That we give us a few extra minutes in the morning to get the children organized. Group shots would be perfect, I do not feel the need to have individual pictures for each person. I really appreciate your help in this matter.

Have a wonderful day!!!!

Heather

-----Original Message-----

From: Jean Oertli <JOertli@deltonafl.gov>
To: mulder1143@aol.com <mulder1143@aol.com>
Sent: Fri, 13 Mar 2009 10:01 am
Subject: RE: Field Trip

I have scheduled you for June 15th and 16th. I think 9:00am would be good unless you feel later would be better. We will have some packets ready for them and the "machines". If having all

the machines is too much and takes too long, perhaps two one day and two the other day. I think if we take several group pictures, several with each machine, it may move a little faster. We can check to make sure all the children can be seen in each picture. Unless you especially want the individual shots. A group shot will get the machine and the children at the same time. Let me know your preference.

*Have a great day,
Jean*



We are America!!

*Jean W. Oertli, Executive Assistant
to the Mayor and Commission
City of Deltona
2345 Providence Boulevard, Deltona, Florida 32725
386-878-8860, Fax 386-878-8851
joertli@deltonafl.gov
www.deltonafl.gov*

From: mulder1143@aol.com [<mailto:mulder1143@aol.com>]
Sent: Thursday, March 12, 2009 3:34 PM
To: Jean Oertli
Subject: Re: Field Trip

I was not sure. I know that you are busy. I was looking at Monday, Jun 15 for Deltona Tennis and Tuesday, Jun 16 for DTA Academy. Both groups should have about 100 children in them.

Thanks for the help.

Sincerely,
Heather

-----Original Message-----

From: Jean Oertli <JOertli@deltonafl.gov>
To: mulder1143@aol.com <mulder1143@aol.com>
Sent: Thu, 12 Mar 2009 2:49 pm
Subject: RE: Field Trip

I have that on my list for Monday. I haven't forgotten. Which day of the week seems to work best for you?

Have a great day,

Jean



We are America!!

*Jean W. Oertli, Executive Assistant
to the Mayor and Commission
City of Deltona
2345 Providence Boulevard, Deltona, Florida 32725
386-878-8860, Fax 386-878-8851
joertli@deltonafl.gov
www.deltonafl.gov*

From: mulder1143@aol.com [<mailto:mulder1143@aol.com>]
Sent: Thursday, March 12, 2009 2:09 PM
To: Jean Oertli
Subject: Field Trip

Afternoon Jean,

This is Heather. I wanted to see if you were able to arrange for the field trip this summer. Please let me know.

Thanks a bunch!

Heather

A Good Credit Score is 700 or Above. [See yours in just 2 easy steps!](#)

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The Average US Credit Score is 692. [See yours in just 2 easy steps!](#)

From: <mulder1143@aol.com>
To: "Wendi Jackson" <WJackson@deltonafl.gov>
Sent: Tuesday, June 16, 2009 4:46 PM
Subject: Re: (no subject)
He thinks he can do things better, key word he thinks. =>
Have fun on the cruise. They are the best vacation.

-----Original Message-----

From: Wendi Jackson <WJackson@deltonafl.gov>
To: mulder1143@aol.com <mulder1143@aol.com>
Sent: Tue, Jun 16, 2009 4:31 pm
Subject: RE: (no subject)

They were much better behaved than the Mayor's were yesterday ☺
I'm doing well. Getting ready to go on a long, much-needed cruise.
Wendi

From: mulder1143@aol.com [<mailto:mulder1143@aol.com>]
Sent: Tuesday, June 16, 2009 4:10 PM
To: Wendi Jackson
Subject: Re: (no subject)

Hope my kids behaved! I am at DTA Academy.

The address is 1649 Providence Blvd
Deltona, Florida 32725.

How are you doing?
Heather

-----Original Message-----

From: Wendi Jackson <WJackson@deltonafl.gov>
To: mulder1143@aol.com <mulder1143@aol.com>
Sent: Tue, Jun 16, 2009 4:02 pm
Subject: (no subject)

Hey Heather!

I have a disc of photos from the kids trips that I'd like to send you. Which daycare are you at and what's the address?

I hope you are doing well.
Wendi

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(386) 575-6900 or (407) 936-9999
Building & Zoning Services, (inspections and permitting), (386) 878-8650
City Clerk's Office, (386) 878-8500
City Hall, 2345 Providence Blvd., (386) 878-8100
City Manager's Office, (386) 878-8850
Code and Solid Waste Compliance, (386) 878-8700
Communication and Public Information, (386) 878-8755

Human Resources, (386) 878-8730
Mayor and City Commission, (386) 878-8860
Parks & Recreation, (386) 878-8900
Planning & Development Services, (386) 878-8600
Public Works, 201 Howland Blvd., (386) 878-8950
Volusia County Sheriff's Office, 1200 Deltona Blvd., (386) 860-7030 or after 5 p.m. Monday-Friday, (386) 736-5999

Emergencies, 911
Zoning Division (Commercial), (386) 878-8660
Zoning Division (Residential), (386) 878-8660
Waste Pro, (Recycling bins, garbage pick-up and special pick-ups), (386) 574-0778

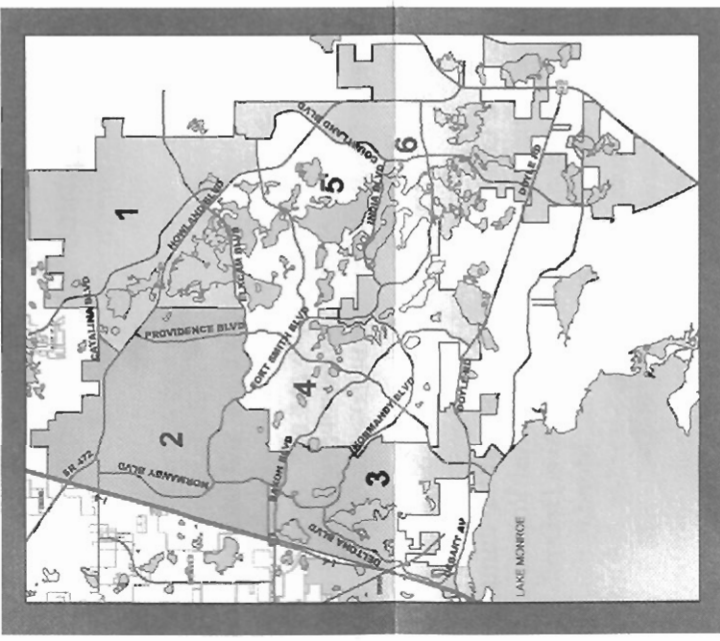
Do you know your Mayor and Commission?

Mayor Dennis Mulder, 764 Shafton Ave., (386) 216-3620, dmulder@deltonafl.gov
 Elected: Nov. 2005
 Term Expires: Nov. 2010
Vice Mayor/District 6, Michael Carmolingo, 3126 Shallowford Street, (386) 848-1932, mcarmolingo@deltonafl.gov
 Elected: Nov. 2007
 Term Expires: Nov. 2012
District 1, Zenaida Denizac, 2010 Montecito Ave., (386) 804-8463, zdenizac@deltonafl.gov
 Elected: Nov. 2005
 Term Expires: Nov. 2010
District 2, Herb Zischkau, 2760 Pinegrove Ave., (386) 748-1220, hzischkau@deltonafl.gov
 Elected: Nov. 2007
 Term Expires: Nov. 2012

District 3, Michele McFall-Conte, 1132 Galgano Ave., (386) 574-1956, mmcfall@deltonafl.gov
 Elected: Nov. 2001
 Second term expires: Nov. 2010
District 4, Paul Treusch, 1850 Fort Smith Blvd., (386) 860-1134, ptreusch@deltonafl.gov
 Elected: Nov. 2007
 Term Expires: Nov. 2012
District 5, Janet Deyette, 2451 Timbercrest Drive, (386) 848-1625, jdeyette@deltonafl.gov
 Elected: Nov. 2005
 Term Expires: Nov. 2010
To reach the Mayor & Commission's Executive Assistant, Jean Oertli, call (386) 878-8860.



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Pride

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See

The City seats with the upc... tions. Th... schedule... Primary... 24 and... on Nov... The M... Commi... four-ye... This Fall... include... Commi... and 5 w... filled by... Michelle... The... there are... four car... candida... Nom... first day... Municip... Specific... during... Uniform... For sp... mation, jkcent@... The C... didate o... 84,264... Volusia

Reb
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