

Jeffrey Ensminger,
Complainant
Vs.

Dennis E. Mulder,
Respondent

To: Fran Monaco
State's Attorney Office, Seventh Judicial Circuit
The Justice Center
251 North Ridgewood, Suite 300
Daytona Beach, FL 32114-7505

COMPLAINT

I, Jeffrey Ensminger, having first been duly sworn do hereby affirm the following statements to be true:

1. At all times material to this complaint, the Respondent, Dennis E. Mulder, was either running for the office of Mayor or was serving as Mayor for the City of Deltona, a municipal government located in the State of Florida. Respondent continues to serve as Mayor.
2. In an affidavit referenced on page 11, item 39 of the Florida Election Commission's Staff Recommendation for case FEC 05-253, Deltona filing officer Jennifer Romaker stated that she provided Respondent with a copy of *Chapter 106*, a copy of the *2004 Candidate Handbook*, and a copy of the *Calendar of Reporting Dates*. She also stated that she reviewed with the Respondent the necessary steps to become a candidate.
3. On or about January 11, 2006, in an affidavit referenced on page 11, item 40 of the Florida Election Commission's Staff Recommendation for case FEC 05-253 (*enclosed*), Respondent stated he received a copy of *Chapters 104 and 106*, and a copy of the *Handbook for Candidates*.
4. On or about January 11, 2006, in an affidavit referenced on page 11, item 40 of the Florida Election Commission's Staff Recommendation for case FEC 05-253 (*enclosed*), Respondent indicated that he browsed the *Handbook for Candidates*.
5. On or about April 11, 2005, Respondent signed his Statement of Candidate form indicating that he received, read and understood the requirements of *Chapter 106*, Florida Statutes (*enclosed*).
6. However, on or about January 11, 2006, in an affidavit referenced on page 11, item 40 of the Florida Election Commission's Staff Recommendation for case FEC 05-253(*enclosed*), Respondent indicated that he has *not read Chapters 106*.
7. Chapter 837.02, Florida Statutes, *Perjury in official proceedings* states "(1) Except as provided in subsection (2), whoever makes a false statement, which he or she does not believe to be true, under oath in an official proceeding in regard to any material matter, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084."
8. The Affidavit referenced above was material to an official proceeding.
9. In the Affidavit referenced above, Respondent perjured himself during an official proceeding when under oath he indicated that he has *not read Chapter 106* even though Respondent signed on his *Statement of Candidate* form that he *had* read and understood Chapter 106, a violation of Chapter 837.02, Florida Statutes.
10. Chapter 837.021, Florida Statutes, *Perjury by contradictory statements*, states "(1) Except as provided in subsection (2), whoever, in one or more official proceedings, willfully makes two or more material statements

under oath which contradict each other, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.” and “(c) It is not necessary to prove which, if any, of the contradictory statements is not true.”

11. In the Affidavit referenced above, Respondent perjured himself when under oath he indicated that he has *not* read *Chapter 106* even though Respondent signed on his *Statement of Candidate* form that he *had* read and understood Chapter 106, a violation of Chapter 837.021, Florida Statutes.

12. Chapter 837.06, Florida Statutes, *False official statements*, states “Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.”

13. In the Affidavit referenced above, Respondent made a false written statement to mislead a public servant in the performance of his or her official duty when under oath Respondent indicated that he has *not* read *Chapters 104 and 106* or when under oath Respondent signed that he *has* read and understood *Chapter 106*, a violation of Chapter 837.06, Florida Statutes.

14. At the time of the alleged violations of 837.02, 837.021, and 837.06, Florida Statutes, Respondent was serving and continues to serve as Mayor for the City of Deltona, a municipal government located in the State of Florida.

15. I am concerned that there may be other instances in which Respondent committed perjury to benefit himself.

16. Possible witnesses to the issues subject to this complaint include the following individuals:

- a. Dennis Mulder, Mayor
City of Deltona
2345 Providence Boulevard
Deltona, FL 32725
Phone 386-561-2100
- b. Jennifer Romaker, Filing Officer
City of Deltona
2345 Providence Boulevard
Deltona, FL 32725
Phone 386-561-2100
- c. Faith Miller, City Clerk
City of Deltona
2345 Providence Boulevard
Deltona, FL 32725
Phone 386-561-2100
- d. Janet Day, Administrative Assistant
City of Deltona
2345 Providence Boulevard
Deltona, FL 32725
Phone 386-561-2100
- e. Donna Malphurs, Investigator
Florida Elections Commission
107 W. Gaines Street Collins Bldg Suite 224
Tallahassee, FL 32399-1050
Phone (850) 922-4539

- f. Patsy Rushing, Clerk
Florida Elections Commission
107 W. Gaines Street Collins Bldg Suite 224
Tallahassee, FL 32399-1050
Phone (850) 922-4539

NOW THEREFORE, the complainant requests that the State's Attorney Office investigate this matter to determine if any violation of Florida Law was committed by the Respondent, Dennis E. Mulder.

State of Florida
County of Volusia

I, Jeffrey Ensminger, hereby affirm that the foregoing allegations found in paragraphs 1-16 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 _____, 2006 by Jeffrey Ensminger.

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

Notary Public
State of Florida

My Commission Expires: