

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 serving and continues to serve as Mayor for the City of Deltona, a municipal government located in the State of Florida.
2. In a February 2, 2006 affidavit referenced on page 8, item 20 under section III of the Florida Election Commission's Staff Recommendation for case FEC 05-253 dated May 6, 2006 ("Affidavit" - *enclosed*), Respondent swore that he paid a June 17th, 2005 campaign expenditure of \$51.64 to GoJayne.com by *campaign check card*.
3. According to page 8, item 20 under section III of the Florida Election Commission's Staff Recommendation for case FEC 05-253 dated May 6, 2006, in a telephone interview conducted by Florida Elections Commission Investigator Donna Malphurs, Jayne Vance (the owner of GoJayne.com) confirmed that Respondent paid her for website services. A copy of the payment instrument and invoice was requested, but as of April 7, 2006, the records have not been provided.
4. According to page 8, item 21 under section III of the Florida Election Commission's Staff Recommendation for case FEC 05-253 dated May 6, 2006, in a telephone interview conducted by Florida Elections Commission Investigator Donna Malphurs, the Deltona filing officer verified that there is no written statement on file indicating Respondent had a campaign credit card or debit card.
5. According to page 8, item 21 under section III of the Florida Election Commission's Staff Recommendation for case FEC 05-253 dated May 6, 2006, in a telephone interview conducted on January 23, 2006 by Florida Elections Commission Investigator Donna Malphurs, the legal processing department for Wachovia Bank verified there are *no credit or debit cards assigned to Respondent's campaign account*.
6. 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."
7. The Affidavit referenced above was material to an official proceeding.
8. In the Affidavit referenced above, Respondent perjured himself during an official proceeding when under oath on or about February 2, 2006 Respondent swore that he paid a June 17th, 2005 campaign expenditure of \$51.64 to GoJayne.com by campaign check card when in fact no campaign check card ever existed, a violation of Chapter 837.02, Florida Statutes.

9. 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."

10. 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 on or about February 2, 2006 Respondent swore that he paid a June 17th, 2005 campaign expenditure of \$51.64 to GoJayne.com by *campaign check card* when in fact no campaign check card ever existed, a violation of Chapter 837.06, Florida Statutes.

11. At the time of the alleged violations of 837.02 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.

12. 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. Jayne Vance, Owner
GoJayne.com
2270 Asbury Rd.
Deltona, FL 32738
Phone 386-748-5508
- c. Legal processing Department
Wachovia Bank
1235 Providence Blvd. Suite A
Deltona, FL 32725
Phone: (386)574-8631
- 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

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: