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STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

STATE OF FLORIDA
ELECTIONS COMMISSION

FLORIDA ELECTIONS COMMISSION,
PETITIONER,

v.

AGENCY CASE No.: FEC 05-253

DENNIS E. MULDER,
RESPONDENT.

ORDER OF PROBABLE CAUSE

THIS CAUSE came on to be heard before the Florida Elections Commission at its meeting held on May 18 & 19, 2006, in Tallahassee, Florida.

Based on the complaint, Report of Investigation, Staff Recommendations submitted by staff, written statements submitted by the Respondent, and any oral statements made at the probable cause hearing, the Commission finds that there is **probable cause** to charge the Respondent with the following violations:

Count 1:

On or about July 7, 2005, Respondent violated Section 106.07(5), Florida Statutes, by certifying to the correctness of his 2005 Q2 CTR that was incorrect, false, or incomplete, when he incorrectly reported a contribution, three loans from himself, and five expenditures that were not reflected in the campaign's bank records.

Count 2:

On or about September 8, 2005, Respondent violated Section 106.07(5), Florida Statutes, by certifying to the correctness of his 2005 F1 CTR that was incorrect, false, or incomplete, when he incorrectly reported a loan from himself, an in-kind contribution, and the receipt of five checks as contributions that were not reflected in the campaign's bank records.

Count 3:

On or about September 23, 2005, Respondent violated Section

106.07(5), Florida Statutes, by certifying to the correctness of his 2005 F2 CTR that was incorrect, false, or incomplete, when he incorrectly reported a loan from himself that was not reflected in the campaign's bank records.

Count 4:

On or about May 25, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$500 from Charles Vance.

Count 5:

On or about May 25, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$500 from Tyler Vance.

Count 6:

On or about May 26, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$500 from Jayne Vance.

Count 7:

On or about June 1, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$500 from Keith Wallace.

Count 8:

On or about July 15, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$290 from Max Klein.

Count 9:

On or about July 18, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$175 from Stone Island Home Owner's Association.

Count 10:

On or about July 28, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$500 from Bill Klein.

Count 11:

On or about July 29, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$500 from Motor Cars of CF.

Count 12:

On or about July 29, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$500 from Wee Kare.

Count 13:

On or about July 30, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$500 from Marc Klein.

Count 14:

On or about May 13, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed check #994 for \$3,344 to Designer Graphics to be paid from the campaign depository account.

Count 15:

On or about May 16, 2005, Respondent violated Section 106.11(4), Florida Statutes, by incurring an expense for the purchase of goods or services without sufficient funds on deposit in the primary depository account, when he paid Designer Graphics \$2,592.50 with his personal credit card.

Count 16:

On or about May 16, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary

depository account without sufficient funds on deposit in the account, when he authorized and signed check #996 for \$220.91 to Designer Graphics to be paid from the campaign depository account.

Count 17:

On or about May 17, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed check #995 for \$69.72 to Charles Vance to be paid from the campaign depository account.

Count 18:

On or about May 26, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed check #997 for \$83.34 to Market Concepts to be paid from the campaign depository account.

Count 19:

On or about May 26, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed check #998 for \$585 to Pro Style Graphics to be paid from the campaign depository account.

Count 20:

On or about June 12, 2005, Respondent violated Section 106.11(4), Florida Statutes, by incurring an expense for the purchase of goods or services without sufficient funds on deposit in the primary depository account, when Heather Mulder, his wife, paid the City of Deltona \$220 from their joint personal checking account.

Count 21:

On or about June 13, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed check #999 for \$83.34 to Market Concepts to be paid from the campaign depository account.

Count 22:

On or about June 14, 2005, Respondent violated Section 106.11(4),

Florida Statutes, by incurring an expense for the purchase of goods or services without sufficient funds on deposit in the primary depository account, when he paid Designer Graphics \$480.18 with his personal credit card.

Count 23:

On or about June 17, 2005, Respondent violated Section 106.11(4), Florida Statutes, by incurring an expense for the purchase of goods or services without sufficient funds on deposit in the primary depository account, when his CTR reflected that he paid Office Depot \$475.46.

Count 24:

On or about June 17, 2005, Respondent violated Section 106.11(4), Florida Statutes, by incurring an expense for the purchase of goods or services without sufficient funds on deposit in the primary depository account, when he paid GoJayne.com \$51.64 with his personal credit card.

Count 25:

On or about June 21, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed check #1000 for \$231 to Suncoast Graphics to be paid from the campaign depository account.

Count 26:

On or about June 23, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$59.45 to Department of Elections to be paid from the campaign depository account.

Count 27:

On or about June 29, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$100 to Tyler Vance to be paid from the campaign depository account.

Count 28:

On or about June 30, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$708.23 to Action Printers to be paid from the campaign depository account.

Count 29:

On or about July 8, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$83.34 to Market Concepts to be paid from the campaign depository account.

Count 30:

On or about July 15, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$700 to Pro Style Graphics to be paid from the campaign depository account.

Count 31:

On or about July 19, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$19.10 to County of Volusia to be paid from the campaign depository account.

Count 32:

On or about July 21, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$150 to City of Deltona to be paid from the campaign depository account.

Count 33:

On or about July 22, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary

depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$50 to City of Deltona to be paid from the campaign depository account.

Count 34:

On or about July 22, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$995 to Sady Garcia to be paid from the campaign depository account.

Count 35:

On or about July 22, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$63.90 to Action Printers to be paid from the campaign depository account.

Count 36:

On or about July 26, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$280 to City of Deltona to be paid from the campaign depository account.

Count 37:

On or about July 28, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$83.34 to Market Concepts to be paid from the campaign depository account.

Count 38:

On or about August 10, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$103.63 to Sprint to be paid from the campaign depository account.

Count 39:

On or about August 18, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$5,677.87 to Lighthouse Mailings to be paid from the campaign depository account.

Count 40:

On or about August 20, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$40 to Department of Elections to be paid from the campaign depository account.

Count 41:

On or about August 23, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$1,990 to Sady Garcia to be paid from the campaign depository account.

Count 42:

On or about September 1, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$83.34 to Market Concepts to be paid from the campaign depository account.

Count 43:

On or about September 6, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$83.34 to Market Concepts to be paid from the campaign depository account.

Count 44:

On or about September 7, 2005, Respondent violated Section 106.11(4), Florida Statutes, by incurring an expense for the

purchase of goods or services without sufficient funds on deposit in the primary depository account, when he paid Designer Graphics \$1,648.42 with his personal credit card.

Count 45:

On or about September 13, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$330.15 to Galaxy Fundraising to be paid from the campaign depository account.

Count 46:

On or about September 13, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$350 to Hollywood Productions to be paid from the campaign depository account.

Count 47:

On or about September 13, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$239.63 to Dolly Fun Toys to be paid from the campaign depository account.

Count 48:

During the months of June through September, 2005, Respondent violated Section 106.143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement "Our City, Our Voice Our Future" that failed to contain the following disclaimer: "Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona."

Count 49:

During the months of June through September, 2005, Respondent violated Section 106.143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement "Our City, Our Voice!" that failed to contain the following disclaimer: "Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona."

Count 50:

During the months of June through September, 2005, Respondent violated Section 106.143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement "Economic Development" that failed to contain the following disclaimer: "Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona."

Count 51:

During the months of June through September, 2005, Respondent violated Section 106.143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement "Growth Mangement" (sic) that failed to contain the following disclaimer: "Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona."

Count 52:

During the months of June through September, 2005, Respondent violated Section 106.143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement "Citizen Run Government" that failed to contain the following disclaimer: "Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona."

Count 53:

During the months of June through September, 2005, Respondent violated Section 106.143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement "Community Relationships" that failed to contain the following disclaimer: "Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona."

Count 54:

During the months of June through September, 2005, Respondent violated Section 106.143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement "First Choice" that failed to contain the following disclaimer: "Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona."

Count 55:

During the months of June through September, 2005, Respondent violated Section 106.143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement "Mulder For Mayor" that failed to contain the following disclaimer: "Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona."

Count 56:

During the months of June through September, 2005, Respondent violated Section 106.143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement "Vote For Change" that failed to contain the following disclaimer: "Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona."

Count 57:

On or about July 7, 2005, Respondent violated Section 106.19(1)(b), Florida Statutes, by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, when he used his personal credit card and accepted an in-kind contribution in the amount of \$480.18 from himself and failed to report it on his 2005 Q2 CTR.

Count 58:

On or about July 7, 2005, Respondent violated Section 106.19(1)(b), Florida Statutes, by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, when he used his personal credit card and accepted an in-kind contribution in the amount of \$2,592.50 from himself and failed to report it on his 2005 Q2 CTR.

Count 59:

On or about July 7, 2005, Respondent violated Section 106.19(1)(b), Florida Statutes, by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, when he accepted an in-kind contribution in the amount of \$110 from Heather Mulder and failed to report it on his 2005 Q2 CTR.

Count 60:

On or about July 7, 2005, Respondent violated Section 106.19(1)(b), Florida Statutes, by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, when he

accepted a second in-kind contribution in the amount of \$110 from Heather Mulder and failed to report it on his 2005 Q2 CTR.

Count 61:

On or about July 7, and September 8, 2005, Respondent violated Section 106.19(1)(b), Florida Statutes, by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, when he accepted a series of cash contributions between May 6 and August 15, 2005, in the amount of \$4,829 from undisclosed sources and failed to report it on his 2005 Q2 and F1 CTRs.

Count 62:

On or about September 8, 2005, Respondent violated Section 106.19(1)(b), Florida Statutes, by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, when he accepted a loan in the amount of \$1,000 from himself and failed to report it on his 2005 F1 CTR.

Count 63:

On or about September 8, 2005, Respondent violated Section 106.19(1)(b), Florida Statutes, by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, when he accepted an in-kind contribution in the amount of \$443.17 from an undisclosed source and failed to report it on his 2005 F1 CTR.

Count 64:

On or about September 23, 2005, Respondent violated Section 106.19(1)(b), Florida Statutes, by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, when he used his personal credit card and accepted an in-kind contribution in the amount of \$1,648.42 from himself and failed to report it on his 2005 F2 CTR.

The Commission also finds that there is **no probable cause** to charge the Respondent with violating:

Section 106.19(1)(d), Florida Statutes, prohibiting a person or organization from making or authorizing any expenditure prohibited by Chapter 106, Florida Statutes.

DONE AND ENTERED by the Florida Elections Commission and filed with the Clerk

of the Commission on May 26, 2006, in Tallahassee, Florida.

Chance Irvine

Chance Irvine, Chairman
Florida Elections Commission
107 W. Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050

NOTICE OF RIGHT TO A HEARING

As the Respondent, you are entitled to a hearing before the Florida Elections Commission or the Division of Administrative Hearings on the violations of the Florida Statutes on which the Commission has found probable cause. The hearing is held according to Chapter 120, *Florida Statutes*, and Chapter 28-106, *Florida Administrative Code*, and Commission Rule 2B-1.004, *Florida Administrative Code*.

To request a hearing, you must send a written petition that complies with the rules to the Commission Clerk, Patsy Rushing. The address of the Commission Clerk is 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050. The telephone number is (850) 922-4539. **The Clerk must receive your petition within 30 days of the date that you received this order.** The Clerk will provide you a copy of Chapters 2B-1.004 or 28-106, *Florida Administrative Code*, upon request.

In the petition, you may request either a hearing not involving disputed issues of material fact (informal hearing) or a hearing involving disputed issues of material fact (formal hearing). If you request a hearing involving disputed issues of material fact, you can request that the hearing be held before the Commission or before the Division of Administrative Hearings. If you dispute an issue of material fact, the Commission reserves the right to refer the case to the Division of Administrative Hearings. If you file a petition for a hearing, please identify yourself as the Respondent and the Commission as the Petitioner. No mediation is available.

The facts that the Commission relied on to find probable cause are set forth in the Staff Recommendations, which is attached to this order. If you do not dispute an issue of material fact in the Staff Recommendations, you must include in your petition requesting a hearing all the information listed in Rule 28-106.301(2), *Florida Administrative Code*. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violation and the potential fine. Live witness testimony is unnecessary at such a hearing.

If you do dispute an issue of material fact in the Staff Recommendations, you must include in

your petition requesting a hearing all the information listed in Rule 28-106.201(2), Florida Administrative Code, including a statement of all issues of material fact in the Staff Recommendations that you dispute. At the hearing, you will have the right to present evidence relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you.

Unless the Clerk receives your written petition within 30 days of the date you receive this order, you will have waived your right to a hearing.

This case will then be scheduled for a Commission meeting, and the Commission will consider this document and the Staff Recommendations and issue a final order that may include a substantial fine.

Copies furnished to:

Charles A. Finkel, General Counsel
Dennis E. Mulder, Respondent (certified mail)
Jeffrey P. Ensminger, Complainant
Deltona City Clerk, Filing Officer

FLORIDA ELECTIONS COMMISSION
STAFF RECOMMENDATION
CASE NUMBER: FEC 05-253

RESPONDENT: Dennis E. Mulder

COMPLAINANT: Jeffrey P. Ensminger

On September 28, 2005, the Florida Elections Commission received a sworn complaint alleging that the Respondent violated Chapter 106, Florida Statutes. The Commission staff investigated the allegations and based on the facts and conclusions of law contained in the Complaint, the Report of Investigation, and this statement, the staff recommends that there is **probable cause**¹ to charge the Respondent with:

Three counts of violating Section 106.07(5), Florida Statutes, prohibiting a candidate from certifying to the correctness of a campaign treasurer's report that is incorrect, false, or incomplete;

Ten counts of violating Section 106.09(1), Florida Statutes, prohibiting a person from making or accepting a contribution in cash or by a cashier's check in excess of \$100;

Thirty-four counts of violating Section 106.11(4), Florida Statutes, prohibiting a candidate from authorizing or incurring an expense for the purchase of goods or services without sufficient funds on deposit in the primary depository account;

Nine counts of violating Section 106.143(1)(a), Florida Statutes, failure of a candidate making an expenditure for a political advertisement to mark prominently the political advertisement with the required disclaimer; and

Eight counts of violating Section 106.19(1)(b), Florida Statutes, failure of a person or organization to report a contribution required to be reported by Chapter 106, Florida Statutes.

The staff further recommends the Commission find there is **no probable cause** to charge Respondent with violating:

¹ The term **probable cause** means a reasonable ground of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. Schmitt v. State, 590 So.2d 404, 409 (Fla. 1991). Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed. Department of Highway Safety and Motor Vehicles v. Favino, 667 So.2d 305, 309 (Fla. 1st DCA 1995).

Section 106.19(1)(d), Florida Statutes, prohibiting a person or organization from making or authorizing any expenditure prohibited by Chapter 106, Florida Statutes.

SUMMARY OF FACTS AND CONCLUSIONS OF LAW.

1. Respondent, Dennis E. Mulder was a first-time, successful candidate for Mayor for the City of Deltona in the general election held on November 8, 2005.

2. Although he did not appoint himself treasurer or deputy treasurer, Respondent acted as his own treasurer during the campaign. Respondent is a registered agent or officer of the following active corporations registered with the State of Florida: Deltona Tennis Association, Inc., Mulder Investment Child Care Centers, Inc., Dennis Mulder Investments, Inc., d/b/a Motor Cars of Central Florida, and DTA Academy, Inc.

3. Complainant is a computer consultant and a concerned citizen of the City of Deltona. He is an active, registered voter in Volusia County, having voted most recently in the 2005 general election. Complainant was also a supporter of Respondent's opponent, Doug Horn, having made two \$150 contributions through his corporation.

I. Section 106.07(5), Florida Statutes. (Counts 1-3)

4. Investigator Donna Ann Malphurs examined whether the Respondent violated this section of the election laws by certifying to the correctness of a campaign treasurer's report (CTR) that is incorrect, false, or incomplete.

5. Complainant alleged that Respondent's 2005 Q2, F1, and F2 CTRs contained numerous violations of Chapter 106, Florida Statutes.

6. Table 1 compares the information on Respondent's reports with the bank records from his campaign account.

TABLE 1: COMPARISON OF RESPONDENT'S CTRs WITH BANK RECORDS

Date Filed	Reporting Period	Information on CTR	Information from bank
07/07/05	04/01 to 06/30/05 2005 Quarterly Report (Q2) – Original	<ul style="list-style-type: none"> • \$500.00 contribution from Ginger Klein • \$2,592.50 Loan from Respondent • \$220.00 Loan from Respondent • \$985.10 Loan from Respondent • \$2,592.50 expenditure to Designer Graphics • \$220.00 expenditure to City of Deltona • \$458.00 expenditure to Designer Graphics • \$475.46 expenditure to Office Depot • \$51.64 expenditure to GoJayne.com 	<ul style="list-style-type: none"> • No bank records found • No bank records found • No bank records found • No bank records found • No bank records found • No bank records found • No bank records found • No bank records found • No bank records found • No bank records found • \$231 expenditure to Suncoast Graphics
09/08/05	07/01 to 09/02/05 2005 32 nd Day Prior Report (F1) - Original	<ul style="list-style-type: none"> • \$1,000.00 Loan from Respondent shown on summary page • \$443.17 in-kind contributions total shown on summary page • \$500.00 check from Chelsea Wallace • \$240.00 check from Deborah Youngblood • \$400.00 check from Diane Obremski • \$500.00 check from Wee Kare • \$20.00 check from Robin Ashby 	<ul style="list-style-type: none"> • No bank records found • Receipts not itemized within contribution pages of treasurer's report • No bank records found • \$100.00 check from Deborah Youngblood • \$100.00 check from Diane Obremski • No bank records found • No bank records found
09/23/05	09/03 to 09/16/05 2005 18 th Day Prior Report (F2) – Original	<ul style="list-style-type: none"> • \$1,396.00 Loan from Respondent 	<ul style="list-style-type: none"> • Bank record shows cash deposit of \$1,396.00 • \$83.34 expenditure to Market Concepts

7. Table 2 summarizes the errors that Respondent made on his reports.

TABLE 2: MISSING AND INCORRECT INFORMATION ON RESPONDENT'S CTRs			
Date Filed	Reporting Period	Missing Information	Incorrect Information
07/07/05	04/01 to 06/30/05 2005 Quarterly Report (Q2) – Original & Amendment	Failed to report \$231.00 expenditure to Suncoast Graphics on 06/21/05	Reported loans from Respondent totaling \$4,297.60 - bank records verify only \$1,000.00 in loans from Respondent. Reported a \$2,592.50 expenditure to Designer Graphics on 06/11/05; was an in-kind contribution by Respondent, paid with personal credit card. Reported a \$458.00 expenditure to Designer Graphics on 06/14/05; was in-kind contribution by Respondent, for \$480.18 paid with personal credit card. Reported a \$220.00 expenditure to City of Deltona; was two in-kind contributions each with a value of \$110 from Respondent's wife.
09/08/05	07/01 to 09/02/05 2005 32 nd Day Prior Report (F1) - Original	Failed to itemize \$1,000.00 Loan Failed to itemize \$443.17 in-kind contributions	Reported a \$1,000 loan on summary page but loan was not itemized; no bank records found. Reported a \$443.17 in-kind contribution on summary page but in-kind receipts were not itemized. Reported a \$240.00 check from Deborah Youngblood rather than \$100.00. Reported a \$400.00 check from Diane Obremski rather than \$100.00. Reported a \$500.00 check from Wee Care; contributor said it was a cash contribution. Reported a \$175.00 contribution from Stone Island Home Owner's Association rather than Fred Phillips.

09/23/05	09/03 to 09/16/05 2005 18 th Day Prior Report (F2) – Original	<ul style="list-style-type: none"> Failed to report \$83.34 expenditure to Market Concepts on 09/06/05 Failed to report \$1,648.42 expenditure to Designer Graphics on 09/07/05 	<ul style="list-style-type: none"> Reported a \$330.15 expenditure to Galaxy Fundraisers on 09/10/05 rather than 09/13/05. Reported \$350.00 expenditure to Hollywood Productions on 09/14/05 rather than 09/13/05. Reported \$239.63 expenditure to Dolly Fun Toys on 09/14/05 rather than 09/13/05.
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8. Under these circumstances, I recommend that the Commission find probable cause that Respondent violated Section 106.07(5), Florida Statutes, on three occasions.

II. Section 106.09(1), Florida Statutes. (Counts 4-13)

9. Investigator Malphurs examined whether the Respondent violated this section of the election laws by accepting excessive cash contributions.

10. Table 3 lists 10 excessive cash contributions accepted by Respondent.

TABLE 3: EXCESSIVE CASH CONTRIBUTIONS ACCEPTED BY RESPONDENT			
Date Accepted	Contributor	Contribution Type	Amount
05/25/05	Charles Vance	Cash	\$500.00
05/25/05	Tyler Vance	Cash	\$500.00
05/26/05	Jayne Vance	Cash	\$500.00
06/01/05	Keith Wallace	Cash	\$500.00
07/15/05	Max Klein	Cash	\$290.00
07/18/05	Stone Island Home Owner's Association	Cash	\$175.00
07/28/05	Bill Klein	Cash	\$500.00
07/29/05	Motorcars of CF	Cash	\$500.00
07/29/05	Wee Kare	Cash	\$500.00
07/30/05	Marc Klein	Cash	\$500.00
TOTAL			\$4,465.00

11. In a telephone interview on October 10, 2005, Respondent stated that he understood he could not accept more than \$500, but that he was unaware of the cash limit of \$100. Respondent also stated his treasurer has been hospitalized since the beginning of his campaign and he had to handle his campaign by himself, and this is his first time running for public office.

12. Respondent further stated that upon learning of the violation, he refunded the excessive cash contributions to his contributors. The complaint was filed on September 28, 2005. The refunds, all dated October 1, 2005, are listed in Respondent's F3 CTR (4th Day Prior Report) covering September 17, 2005 through October 6, 2005 (the primary election previously scheduled for October 11, 2005 was cancelled). Respondent received the Commission's letter notifying him of the complaint on October 13, 2005, but he had learned of the complaint about the time it was filed with the Commission.

13. Although Respondent returned the excessive amount of the cash contributions as soon as he learned of his error, he had kept all the contributions for more than two months and did not return them until after he had learned about the complaint.

14. Under these circumstances, I recommend that the Commission find probable cause that Respondent violated Section 106.09(1), Florida Statutes on ten occasions.

III. Section 106.11(4), Florida Statutes. (Counts 14-47)

15. Investigator Malphurs examined whether the Respondent violated this section of the election laws by authorizing or incurring campaign expenses without sufficient funds on deposit in the primary campaign depository.

16. Table 4 reflects the expenditures Respondent authorized without sufficient funds on deposit in the campaign depository. The date in the table reflects the date that Respondent authorized payment to each vendor.

TABLE 4: FUNDS IN CAMPAIGN ACCOUNT WHEN RESPONDENT AUTHORIZED EXPENSE				
Transaction Date	Check #	Description of Transaction	Amount	Funds Available to Campaign
05/10/05	Amount of funds Available to Campaign.			\$2,634.82 ²
05/13/05	994	Designer Graphics	(\$3,344.00)	(\$709.18)
05/16/05	Deposit		\$2,000.00	\$1,290.82
05/16/05	Credit Card	Designer Graphics	(\$2,592.50)	(\$1,301.68)
05/16/05	996	Designer Graphics	(\$220.91)	(\$1,522.59)
05/17/05	995	Charles Vance	(\$69.72)	(\$1592.31)
05/25/05	Deposit		\$1,000.00	(\$592.31)
05/26/05	997	Market Concepts	(\$83.34)	(\$675.65)
05/26/05	998	Pro Style Graphics	(\$585.00)	(\$1,260.65)

² Available balance based upon deposits to campaign account less expenditures issued between April 21, 2005 and May 10, 2005.

06/06/05	Deposit		\$500.00	(\$760.65)
06/12/05	Personal Acct.	City of Deltona	(\$220.00)	(\$980.65)
06/13/05	999	Market Concepts	(\$83.34)	(\$1,063.99)
06/14/05	Credit Card	Designer Graphics	(\$480.18)	(\$1,544.17)
06/17/05	N/A	Office Depot	(\$475.46)	(\$2,019.63)
06/17/05	N/A	GoJayne.com	(\$51.64)	(\$2,071.27)
06/20/05	Deposit		\$310.00	(\$1,761.27)
06/21/05	1000	Suncoast Graphics	(\$231.00)	(\$1,992.27)
06/22/05	Deposit		\$300.00	(\$1,692.27)
06/23/05	Temp Check	Department of Elections	(\$59.45)	(\$1,751.72)
06/29/05	Temp Check	Tyler Vance	(\$100.00)	(\$1,851.72)
06/30/05	Temp Check	Action Printers	(\$708.23)	(\$2,559.95)
07/07/05	Deposit		\$500.00	(\$2,059.95)
07/08/05	Temp Check	Market Concepts	(\$83.34)	(\$2,143.29)
07/15/05	Temp Check	Pro Style Graphics	(\$700.00)	(\$2,843.29)
07/18/05	Deposit		\$1,155.00	(\$1,688.29)
07/19/05	Temp Check	County of Volusia	(\$19.10)	(\$1,707.39)
07/21/05	Temp Check	City of Deltona	(\$150.00)	(\$1,857.39)
07/22/05	Temp Check	City of Deltona	(\$50.00)	(\$1,907.39)
07/22/05	Temp Check	Sady Garcia	(\$995.00)	(\$2,902.39)
07/22/05	Temp Check	Action Printers	(\$63.90)	(\$2,966.29)
07/25/05	Deposit		\$455.00	(\$2,511.29)
07/26/05	Temp Check	City of Deltona	(\$280.00)	(\$2,791.29)
07/28/05	Temp Check	Market Concepts	(\$83.34)	(\$2,874.63)
08/01/05	Deposit		\$1,155.00	(\$1,719.63)
08/09/05	Deposit		\$609.00	(\$1,110.63)
08/10/05	Temp Check	Sprint	(\$103.63)	(\$1,214.26)
08/11/05	Deposit		\$316.00	(\$898.26)
08/15/05	Deposit		\$3,050.00	\$2,151.74
08/18/05	Temp Check	Lighthouse Mailings	\$562.67	\$1,589.07
08/18/05	Temp Check	Lighthouse Mailings	(\$5,677.87)	(\$4,088.80)
08/20/05	Temp Check	Department of Elections	(\$40.00)	(\$4,128.80)
08/23/05	Deposit		\$2,000.00	(\$2,128.80)

08/23/05	Temp Check	Sady Garcia	(\$1,990.00)	(\$4,118.80)
08/31/05	Deposit		\$200.00	(\$3,918.80)
09/01/05	Temp Check	Market Concepts	(\$83.34)	(\$4,002.14)
09/06/05	Temp Check	Market Concepts	(\$83.34)	(\$4,085.48)
09/07/05	Credit Card	Designer Graphics	(\$1,648.42)	(\$5,733.90)
09/13/05	Temp Check	Galaxy Fundraising	(\$330.15)	(\$6,064.05)
09/13/05	Temp Check	Hollywood Productions	(\$350.00)	(\$6,414.05)
09/13/05	Temp Check	Dolly Fun Toys	(\$239.63)	(\$6,653.68)
09/14/05	Deposit		\$1,396.00	(\$5,257.68)

17. Respondent did not use campaign funds to pay the City of Deltona on June 12, 2005. Heather Mulder, Respondent's wife, issued two checks from the Mulder's joint checking account, each for \$110, on April 30, 2005. Respondent stated to the investigator that he paid this expenditure by personal check and considered it a loan. The City of Deltona verified the expenditures were \$110 for a security deposit and \$110 for a permit fee.

18. Respondent did not use campaign funds to pay Designer Graphics \$2,592.50 on May 16, 2005; \$480.18 on June 14, 2005; and \$1648.42 on September 7, 2005. Respondent used his personal credit cards.

19. Respondent did not use campaign funds to pay Office Depot \$475.46 on June 17, 2005. Although Respondent stated that he paid this expenditure by campaign check, the payment was not reflected in the bank records.

20. Respondent did not use campaign funds to pay GoJayne.com \$51.64 on June 17, 2005. In an affidavit dated February 2, 2006, Respondent swore that he paid this expenditure by campaign check card. In a telephone interview, 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.

21. In a telephone interview, the filing officer verified that there is no written statement on file indicating Respondent had a campaign credit card or debit card. In a telephone interview on January 23, 2006, the legal processing department for Wachovia Bank verified there are no credit or debit cards assigned to Respondent's campaign account.

22. Under these circumstances, I recommend that the Commission find probable cause that Respondent violated Section 106.11(4), Florida Statutes, on 34 occasions.

IV. Section 106.143(1)(a), Florida Statutes. (Counts 48-56)

23. Investigator Malphurs examined whether the Respondent violated this section of the election laws by not marking prominently his political advertisements with the required disclaimer.

24. Respondent published eleven political advertisements but did not include the proper disclaimer. In an e-mail dated September 30, 2005, Respondent instructed Designer Graphics to include the disclaimer — “*pd. pol adv. pd. for and approved by Dennis Mulder for Mayor, Deltona.*” Copies of the eleven advertisements are attached to the Report of Investigation as Exhibit 16.

25. A proper disclaimer is:

Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona.

26. Under these circumstances, I recommend that the Commission find probable cause that Respondent violated Section 106.143(1)(a), Florida Statutes, on nine occasions.

V. Section 106.19(1)(b), Florida Statutes. (Counts 57-64)

27. Investigator Malphurs examined whether the Respondent violated this section of the election laws by not reporting a contribution required to be reported by Chapter 106, Florida Statutes.

28. Table 5 lists the contributions Respondent failed to report:

TABLE 5: UNREPORTED CONTRIBUTIONS RECEIVED BY RESPONDENT				
Date Received	Contributor	Contribution Type	Amount	Source
04/21 to 06/30/05	Dennis Mulder	In-kind	\$480.18	Personal Credit Card
	Heather Mulder	In-kind	\$110.00	Personal Checking Acct.
	Heather Mulder	In-kind	\$110.00	Personal Checking Acct.
	Dennis Mulder	In-kind	\$2,592.50	Personal Credit Card
05/06 to 08/15/05	Unknown	CASH	\$4,829.00	Bank Deposit Records
07/01 to 09/02/05	Dennis Mulder	Loan to campaign	\$1,000.00	CTR Summary Page
	Unknown	In-kind	\$443.17	CTR Summary Page
09/03 to 09/16/05	Dennis Mulder	In-kind	\$1,648.42	Personal Credit Card
TOTAL			\$11,213.27	

29. As explained above, Heather Mulder issued the two checks for \$110 from the Mulder’s personal checking account on April 30, 2005, to the City of Deltona for a security

deposit and a permit fee. Respondent used his personal credit card to pay Designer Graphics \$2,592.50 on May 16, 2005; \$480.18 on June 14, 2005; and \$1648.42 on September 7, 2005; and failed to report them as an in-kind contribution.

30. Respondent reported the \$1,000 loan on his 2005 F1 CTR summary page, but failed to report the source of the loan on the itemized contribution pages of his CTR. He also reported receipt of a total in-kind value of \$443.17 on the summary page of the 2005 F1 report. However, Respondent did not itemize the in-kind contributions on the itemized contribution pages of his CTR. In an affidavit, Respondent stated that he was unable to locate the in-kind receipts.

31. Respondent under reported cash contributions by \$4,829 and over reported check contributions by \$2,460 during the period of April 21, 2005 through September 16, 2005.

32. Under these circumstances, I recommend that the Commission find probable cause that Respondent violated Section 106.19(1)(b), Florida Statutes, on eight occasions.

VI. Section 106.19(1)(d), Florida Statutes.

33. Investigator Malphurs examined whether Respondent violated this section of the election laws by making or authorizing any expenditure prohibited by Chapter 106, Florida Statutes.

34. Table 4 reflects the campaign expenses incurred by Respondent without sufficient funds on deposit in the campaign depository.

35. Although the above facts show that Respondent recklessly disregarded the requirements of Section 106.11(4), Florida Statutes, it does not appear that Respondent's actions were so egregious as to warrant recommending additional civil penalties for these acts.

36. Under these circumstances, I recommend that the Commission find no probable cause that Respondent violated this section.

VII. Conclusion.

37. Respondent's actions in this case were willful.³

³ §106.37, Fla. Stat., provides that a person willfully violates Ch. 106, Fla. Stat.:

If the person commits an act while knowing that, or showing reckless disregard for whether, the act is prohibited ... or does not commit an act while knowing that, or showing reckless disregard for whether the act is required.... A person knows that an act is prohibited or required if the person is aware of the provision which prohibits or required the act, understands the meaning of that provision, and performs the act that is prohibited or fails to perform the act that is required. A person shows reckless disregard for whether an act is prohibited or required under this chapter if the person wholly disregards the law without making any reasonable effort to determine whether the act would constitute a violation.

38. Respondent stated that he did not willfully violate the laws. However, he admitted that he made some mistakes in the handling of his campaign. Respondent stated that throughout his campaign he chose to use his personal credit cards to pay some expenses and he treated the expenditures as loans because he needed to report them. Respondent further stated that he has learned a lot through experience in how to properly manage his campaign.

39. In an affidavit, Jennifer Romaker, the filing officer stated that she provided Respondent with a copy of *Chapter 106, Florida Statutes*, a copy of the *2004 Candidate Handbook* and a copy of the *Calendar of Reporting Dates*. She said that she reviewed with Respondent the necessary steps to become a candidate and also spoke directly with Respondent on or about July 7 or 8, 2005, regarding missing occupations for itemized contributions over \$100 in his quarterly report.

40. In an affidavit, Respondent stated he received a copy of *Chapters 104 and 106, Florida Statutes*, and a copy of the *2004 Candidate Handbook*. Although Respondent indicated that he has not read *Chapters 104 and 106, Florida Statutes*, he did indicate that he has browsed through the *Handbook for Candidates*. Respondent signed his Statement of Candidate form on April 11, 2005, indicating that he read and understood Chapter 106, Florida Statutes.

41. Respondent should note that Section 106.265(1), Florida Statutes, provides that the Commission is authorized upon finding a violation of Chapter 104 and 106, Florida Statutes, to impose civil penalties in the form of fines not to exceed \$1000 per count.

42. Respondent should note that in addition to the penalty provided for in Section 106.265(1), Florida Statutes, Section 106.19(2), Florida Statutes, provides for a civil penalty equal to three times the amount involved in the illegal act if a Respondent is found to have violated Section 106.19(1)(a), 106.19(1)(b), or 106.19(1)(d), Florida Statutes.

43. During the investigation of the allegations contained in the sworn complaint, the investigator found that Respondent signed his campaign checks, but failed to appoint himself as treasurer or deputy treasurer. She also found that Respondent failed to deposit some contributions within five days of receipt. However, because these violations were not alleged in the complaint, she did not further investigate this information.

V. Summary of Charges.

44. Under these circumstances, I recommend that the Commission find probable cause that Respondent committed 64 counts of violating Chapter 106, Florida Statutes.

Count 1:

On or about July 7, 2005, Respondent violated Section 106.07(5), Florida Statutes, by certifying to the correctness of his 2005 Q2 CTR that was incorrect, false, or incomplete, when he incorrectly reported a contribution, three loans from himself, and five expenditures that were not reflected in the campaign's bank records.

Count 2:

On or about September 8, 2005, Respondent violated Section 106.07(5), Florida Statutes, by certifying to the correctness of his 2005 F1 CTR that was incorrect, false, or incomplete, when he incorrectly reported a loan from himself, an in-kind contribution, and the receipt of five checks as contributions that were not reflected in the campaign's bank records.

Count 3:

On or about September 23, 2005, Respondent violated Section 106.07(5), Florida Statutes, by certifying to the correctness of his 2005 F2 CTR that was incorrect, false, or incomplete, when he incorrectly reported a loan from himself that was not reflected in the campaign's bank records.

Count 4:

On or about May 25, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$500 from Charles Vance.

Count 5:

On or about May 25, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$500 from Tyler Vance.

Count 6:

On or about May 26, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$500 from Jayne Vance.

Count 7:

On or about June 1, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$500 from Keith Wallace.

Count 8:

On or about July 15, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$290 from Max Klein.

Count 9:

On or about July 18, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$175 from Stone Island Home Owner's Association.

Count 10:

On or about July 28, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$500 from Bill Klein.

Count 11:

On or about July 29, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$500 from Motor Cars of CF.

Count 12:

On or about July 29, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$500 from Wee Kare.

Count 13:

On or about July 30, 2005, Respondent violated Section 106.09(1), Florida Statutes, by accepting a contribution in cash in excess of \$100, when he accepted a cash contribution for \$500 from Marc Klein.

Count 14:

On or about May 13, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed check #994 for \$3,344 to

Designer Graphics to be paid from the campaign depository account.

Count 15:

On or about May 16, 2005, Respondent violated Section 106.11(4), Florida Statutes, by incurring an expense for the purchase of goods or services without sufficient funds on deposit in the primary depository account, when he paid Designer Graphics \$2,592.50 with his personal credit card.

Count 16:

On or about May 16, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed check #996 for \$220.91 to Designer Graphics to be paid from the campaign depository account.

Count 17:

On or about May 17, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed check #995 for \$69.72 to Charles Vance to be paid from the campaign depository account.

Count 18:

On or about May 26, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed check #997 for \$83.34 to Market Concepts to be paid from the campaign depository account.

Count 19:

On or about May 26, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed check #998 for \$585 to Pro Style Graphics to be paid from the campaign depository account.

Count 20:

On or about June 12, 2005, Respondent violated Section 106.11(4), Florida Statutes, by incurring an expense for the purchase of goods or services without sufficient funds on deposit in the primary depository account, when Heather Mulder, his wife, paid the City of Deltona \$220 from their joint personal checking account.

Count 21:

On or about June 13, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed check #999 for \$83.34 to Market Concepts to be paid from the campaign depository account.

Count 22:

On or about June 14, 2005, Respondent violated Section 106.11(4), Florida Statutes, by incurring an expense for the purchase of goods or services without sufficient funds on deposit in the primary depository account, when he paid Designer Graphics \$480.18 with his personal credit card.

Count 23:

On or about June 17, 2005, Respondent violated Section 106.11(4), Florida Statutes, by incurring an expense for the purchase of goods or services without sufficient funds on deposit in the primary depository account, when his CTR reflected that he paid Office Depot \$475.46.

Count 24:

On or about June 17, 2005, Respondent violated Section 106.11(4), Florida Statutes, by incurring an expense for the purchase of goods or services without sufficient funds on deposit in the primary depository account, when he paid GoJayne.com \$51.64 with his personal credit card.

Count 25:

On or about June 21, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed check #1000 for \$231 to Suncoast Graphics to be paid from the campaign depository account.

Count 26:

On or about June 23, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$59.45 to Department of Elections to be paid from the campaign depository account.

Count 27:

On or about June 29, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$100 to Tyler Vance to be paid from the campaign depository account.

Count 28:

On or about June 30, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$708.23 to Action Printers to be paid from the campaign depository account.

Count 29:

On or about July 8, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$83.34 to Market Concepts to be paid from the campaign depository account.

Count 30:

On or about July 15, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$700 to Pro Style Graphics to be paid from the campaign depository account.

Count 31:

On or about July 19, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$19.10 to County of Volusia to be paid from the campaign depository account.

Count 32:

On or about July 21, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$150 to City of Deltona to be paid from the campaign depository account.

Count 33:

On or about July 22, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$50 to City of Deltona to be paid from the campaign depository account.

Count 34:

On or about July 22, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$995 to Sady Garcia to be paid from the campaign depository account.

Count 35:

On or about July 22, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$63.90 to Action Printers to be paid from the campaign depository account.

Count 36:

On or about July 26, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$280 to City of Deltona to be paid from the campaign depository account.

Count 37:

On or about July 28, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$83.34 to Market Concepts to be paid from the campaign depository account.

Count 38:

On or about August 10, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$103.63 to Sprint to be paid from the campaign depository account.

Count 39:

On or about August 18, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$5,677.87 to Lighthouse Mailings to be paid from the campaign depository account.

Count 40:

On or about August 20, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$40 to Department of Elections to be paid from the campaign depository account.

Count 41:

On or about August 23, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$1,990 to Sady Garcia to be paid from the campaign depository account.

Count 42:

On or about September 1, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$83.34 to Market Concepts to be paid from the campaign depository account.

Count 43:

On or about September 6, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$83.34 to Market Concepts to be paid from the campaign depository account.

Count 44:

On or about September 7, 2005, Respondent violated Section 106.11(4), Florida Statutes, by incurring an expense for the purchase of goods or services without sufficient funds on deposit in the primary depository account, when he paid Designer Graphics \$1,648.42 with his personal credit card.

Count 45:

On or about September 13, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$330.15 to Galaxy Fundraising to be paid from the campaign depository account.

Count 46:

On or about September 13, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the

primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$350 to Hollywood Productions to be paid from the campaign depository account.

Count 47:

On or about September 13, 2005, Respondent violated Section 106.11(4), Florida Statutes, by authorizing an expense from the primary depository account without sufficient funds on deposit in the account, when he authorized and signed a temporary check for \$239.63 to Dolly Fun Toys to be paid from the campaign depository account.

Count 48:

During the months of June through September, 2005, Respondent violated Section 143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement "Our City, Our Voice Our Future" that failed to contain the following disclaimer: "Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona." (Exhibit 16 [1 of 12] attached to Report of Investigation).

Count 49:

During the months of June through September, 2005, Respondent violated Section 143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement "Our City, Our Voice!" that failed to contain the following disclaimer: "Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona." (Exhibit 16 [2 of 12] attached to Report of Investigation).

Count 50:

During the months of June through September, 2005, Respondent violated Section 143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement "Economic Development" that failed to contain the following disclaimer: "Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona." (Exhibit 16 [3 of 12] attached to Report of Investigation).

Count 51:

During the months of June through September, 2005, Respondent violated Section 143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement "Growth Mangement" (sic) that failed to contain the following disclaimer: "Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona." (Exhibit 16 [4 of 12] attached to Report of Investigation).

Count 52:

During the months of June through September, 2005, Respondent violated Section 143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement "Citizen Run Government" that failed to contain the following disclaimer: "Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona." (Exhibit 16 [5 of 12] attached to Report of Investigation).

Count 53:

During the months of June through September, 2005, Respondent violated Section 143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement "Community Relationships" that failed to contain the following disclaimer: "Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona." (Exhibit 16 [6 of 12] attached to Report of Investigation).

Count 54:

During the months of June through September, 2005, Respondent violated Section 143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement "First Choice" that failed to contain the following disclaimer: "Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona." (Exhibit 16 [7 of 12] attached to Report of Investigation).

Count 55:

During the months of June through September, 2005, Respondent violated Section 143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer,

when he published the advertisement “Mulder For Mayor” that failed to contain the following disclaimer: “Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona.” (Exhibit 16 [8 & 9 of 12] attached to Report of Investigation).

Count 56:

During the months of June through September, 2005, Respondent violated Section 143(1)(a), Florida Statutes, by failing to mark prominently the political advertisement with the correct disclaimer, when he published the advertisement “Vote For Change” that failed to contain the following disclaimer: “Political advertisement paid for and approved by Dennis Mulder for Mayor of Deltona.” (Exhibit 16 [11 & 12 of 12] attached to Report of Investigation).

Count 57:

On or about July 7, 2005, Respondent violated Section 106.19(1)(b), Florida Statutes, by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, when he used his personal credit card and accepted an in-kind contribution in the amount of \$480.18 from himself and failed to report it on his 2005 Q2 CTR.

Count 58:

On or about July 7, 2005, Respondent violated Section 106.19(1)(b), Florida Statutes, by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, when he used his personal credit card and accepted an in-kind contribution in the amount of \$2,592.50 from himself and failed to report it on his 2005 Q2 CTR.

Count 59:

On or about July 7, 2005, Respondent violated Section 106.19(1)(b), Florida Statutes, by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, when he accepted an in-kind contribution in the amount of \$110 from Heather Mulder and failed to report it on his 2005 Q2 CTR.

Count 60:

On or about July 7, 2005, Respondent violated Section 106.19(1)(b), Florida Statutes, by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, when he accepted a second in-kind contribution in the amount of \$110 from Heather Mulder and failed to report it on his 2005 Q2 CTR.

Count 61:

On or about July 7, and September 8, 2005, Respondent violated Section 106.19(1)(b), Florida Statutes, by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, when he accepted a series of cash contributions between May 6 and August 15, 2005, in the amount of \$4,829 from undisclosed sources and failed to report it on his 2005 Q2 and F1 CTRs.

Count 62:

On or about September 8, 2005, Respondent violated Section 106.19(1)(b), Florida Statutes, by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, when he accepted a loan in the amount of \$1,000 from himself and failed to report it on his 2005 F1 CTR.

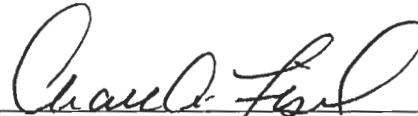
Count 63:

On or about September 8, 2005, Respondent violated Section 106.19(1)(b), Florida Statutes, by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, when he accepted an in-kind contribution in the amount of \$443.17 from an undisclosed source and failed to report it on his 2005 F1 CTR.

Count 64:

On or about September 23, 2005, Respondent violated Section 106.19(1)(b), Florida Statutes, by failing to report a contribution required to be reported by Chapter 106, Florida Statutes, when he used his personal credit card and accepted an in-kind contribution in the amount of \$1,648.42 from himself and failed to report it on his 2005 F2 CTR.

Respectfully submitted on April 25, 2005,



Charles A. Finkel
General Counsel

Copy furnished to:

Barbara M. Linthicum, Executive Director
Donna Ann Malphurs, Investigator Specialist