



For Immediate Release: July 8, 2015
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Ethics Commission finds mayor violated Citizens' Bill of Rights

The Miami-Dade Commission on Ethics and Public Trust (COE) today determined, by unanimous vote following a public hearing, that Hialeah Mayor Carlos Hernandez twice made false statements to the public about interest income he earned from a private loan and, in doing so, violated the Citizens' Bill of Rights "Truth in Government" provision as alleged in a complaint (**C 14-36**) filed by the Commission Advocate. Mayor Hernandez was fined \$3,000 for two counts of violating County ethics rules and assessed another \$1,000 for investigative costs. The amount of the fines was doubled as a result of a finding by the commission that Mayor Hernandez knowingly violated the rules. The Commission further authorized that a Letter of Reprimand be issued against Hernandez, who did not attend the hearing this afternoon.

During the hearing, Commission Advocate Michael Murawski presented evidence that in October 2011, the then-interim mayor said one thing at press conferences in English and Spanish, but made contrary statements while testifying under oath during the federal tax evasion trial of former Hialeah Mayor Julio Robaina early last year. At the 2011 press briefings, held during the mayoral campaign, Hernandez repeatedly disputed reports he failed to disclose tens of thousands of dollars in interest income on his Source of Income Statements for 2007, 2008, and 2009 when he was a Hialeah Councilman. Instead, he contended the monthly payments from Hialeah jeweler Luis Felipe Perez represented the return of his principal investment and not interest payments on loans. However, under oath during the Robaina trial in April 2014, Mayor Hernandez testified that he did receive monthly interest payments totaling approximately \$100,000 over the three-year period, contradicting his previous public statements denying any reportable income. "He was really insulting the intelligence of the public," Murawski said during closing remarks about the mayor's claim he expected to receive no up-front interest on his loans to Perez.

Among the witnesses presented to the Commission was Assistant U.S. Attorney Richard Gregorie, the prosecutor in the Robaina tax evasion case. Also testifying as a witness was Perez, since convicted on federal fraud and conspiracy charges, who told commissioners that he and the Respondent were friends when now-Mayor Hernandez wrote him checks totaling \$180,000 as loans to his businesses. Lead investigator Larry Lebowitz also testified about the authentication of video evidence from the mayor's statements at the press conference. Following the presentation of the evidence, Ethics Commission Chairman Nelson Bellido noted that although Mayor Hernandez chose not appear before the Commission to present a defense, he received "a very fair hearing."

During its regular monthly meeting this morning, the COE found No Probable Cause to uphold a complaint (**C 15-15**) filed against current and former administrators with Miami-Dade Transit (MDT) accused by a Metromover technician of preventing him from receiving time cards and other documents he sought in a public records request. The employee, Lorenzo Jones, sought the records in connection with a union grievance in which he alleged his supervisors were denying him the opportunity to earn overtime pay. The investigation did not find any violations of the Citizens' Bill of Rights, but did find the Transit agency did not follow state guidelines by taking 113 days to respond to the January 2015 records request and by seeking more than \$5,900 in reproduction costs – an amount COE Staff Attorney Martha Perez described

as “exorbitant.” The commission asked for a revised Letter of Instruction to Cathy Lewis, Chief of the agency’s Office of Civil Rights and Labor Relations, and Jose “J.C.” Carbonell, Acting Supervisor of Metromover Maintenance, requiring that they undergo training for state public records law and the county’s Citizens’ Bill of Rights, which contains a provision allowing for the inspection of public records. The commission further requested MDT be required to report back to COE any follow-up actions taken in response to the complaint and Mr. Jones’ public records request.

In an unrelated action, COE dismissed for lack of legal sufficiency complaints (**C 15-19 and C 15-20**) filed by three Miami-Dade Transit (MDT) employees against the department’s chief of infrastructure and an electronics technician – both of whom serve as union stewards. The commission found the complaints involved personnel and labor matters outside the jurisdiction of the Ethics Commission, and thereby found them to be Not Legally Sufficient.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.

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