

**COMMISSION ON ETHICS & PUBLIC TRUST****REPORT OF INVESTIGATION**

K #:11-052

Date Open: March 29, 2011

Date Closed: April 21, 2012

Name of investigator: Kennedy Rosario

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**Allegation:**

Miami-Dade Correction & Rehabilitation (MDCR) Chaplain Jose Enrique Hernandez' (Hernandez) outside employment poses a conflict of interest; he utilizes his MDCR assigned vehicle for personal activities and he failed to adequately disclose his outside employment compensation.

**Background:**

Hernandez has been the subject of investigations conducted by the Miami-Dade OIG, MDCR Internal Affairs and the COE. The OIG chose to refer their received complaint to the COE on March 22, 2011. The MDCR IA administrative investigation was concluded on January 5, 2012. The COE's 2006 investigation was conducted under C/N K06-136.

All these investigations had, as their predicate act, Hernandez' association with an entity named the Agape Network. Agape is a Not-For-Profit Florida corporation whose Annual Reports list Claudio Perez and Hernandez as Directors. Hernandez' outside employment is with Agape.

In the OIG Intake Section report, the complainant, MDCR Acting Director Mary-Ann Puig, states her “concern that Mr. Hernandez as the Department’s Chaplain would steer inmates into this (Agape) program.” Of note was the possible awarding of a proposed Federal Department of Justice grant application by Miami-Dade entitled, “The Collaborative Ex-Offender Adult Reintegration Program Grant” wherein the Agape Network would be a collaborative partner with the County. The County involvement would include County departments such as Human Resources, the Community Action Agency and MDCR.

The MDCR IA administrative investigation “was initiated to review the activities of MDCR Chaplain Jose Hernandez.” Said administrative review included Hernandez “possibly using a Miami-Dade County vehicle and work hours to conduct business related to his employment with [the] Agape Network.”

The 2006 COE investigation into Hernandez’ financial disclosures concluded that Hernandez was advised, per ordinance requirement, “that a specific amount needed to be indicated on the [Financial Disclosure] forms.” The report further stated that “Hernandez... would do so after consulting with his attorney.”

**Investigation:**

During the course of the investigation, COE Investigators cooperated and monitored the MDCR administrative investigation. The COE reviewed the OIG’s Complaint Referral (CR1177-1011-H) and accompanying documents. The COE also reviewed its previous case’s (C/N K06-136) reports and findings. Further, the COE independently obtained and reviewed Hernandez’ filed Outside Employment Statements and Statement of Financial Interests forms.

I COE Investigators interviewed Hernandez and reviewed documents he supplied to the COE which included his Outside Employment Requests and Financial Disclosures dating back to 1998.

**CONCLUSION:**

The COE found that Hernandez was in compliance with, both his outside employment and financial disclosure, requirements.

The MDCR administrative investigation found “no activity that was inconsistent with MDCR related business.”

The 2006 COE investigation’s goal that Hernandez include “specific amount” in his financial disclosures have been adhered to.

The allegation that Hernandez would use his position to steer inmates to the Miami-Dade collaborative partnership with the Agape Network became a non-issue, as the grant never materialized.

Finding no violation of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, the instant case is closed without further action.