

Hialeah

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## Ethics board targets Hialeah mayor for alleged contempt

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Hialeah Mayor Carlos Hernandez. PEDRO PORTAL /  
EL NUEVO HERALD FILE

Accused of lying to the public about his high-interest loans, Hialeah Mayor Carlos Hernandez told Miami-Dade County ethics officials in a recent deposition that their case against him was a “political witch hunt.”

Hernandez pleaded the Fifth Amendment against self-incrimination more than 30 times as he was peppered with questions by a lawyer for the Commission on Ethics and Public Trust. “I don’t want to be part of this circus,” the mayor responded repeatedly in his March 16 deposition.

The commission's lawyer, Michael Murawski, grew so frustrated with the mayor that he urged a Miami-Dade circuit judge on Monday to hold Hernandez in "contempt" because he refused to answer questions about his series of exorbitant loans totaling \$180,000 to a convicted Ponzi schemer.

Circuit Judge Bertila Soto stopped short of issuing a "show-cause" order requiring Hernandez to explain why he should not be held in contempt for repeatedly invoking the Fifth Amendment during his deposition. Soto said she understood the mayor's "fear" that he could be caught in a "perjury" trap if he answered the questions, but also said the ethics commission had a right to hear his responses before he faces a civil ethics trial later this year.

"I want you to be treated fairly and the commission to get their fair shake," Soto told Hernandez, who had submitted an affidavit to address sensitive questions at his deposition.

Soto asked the commission's lawyer, Murawski, to seek promises from the Miami-Dade State Attorney's Office and the U.S. Attorney's Office that they would not pursue any perjury charges against the mayor based on his future sworn testimony in the ethics case.

Murawski said he would seek those promises, but stressed that the mayor faced no criminal liability during his deposition because the statute of limitations had already expired on Florida usury laws for "loansharking."

In January, the ethics commission charged Hernandez with lying — first in Spanish, then in English — at a 2011 news conference about his 36-percent-interest loans to jewelry dealer Luis Felipe Perez. Perez recently completed a nearly five-year prison sentence for running a \$40 million swindle that fleeced Hernandez and dozens of other investors between 2007 and 2009.

Three members of the commission unanimously charged Hernandez with violating the Citizens' Bill of Rights when he "knowingly furnished false information on a public matter" at the press conference during his mayoral campaign.

Hernandez, the two-term Hialeah mayor who is a former police officer, faces up to a total of \$1,500 in potential fines for the two civil charges. If the charges are not settled — unlikely — the case will be heard before the ethics commission later this year. The trial, scheduled for April 8, has been postponed in light of the duel over the deposition.

At Monday's hearing, one of the mayor's attorneys, Thomas Cobitz, said the ethics commission "from the get-go" has tried to portray the mayor as "some kind of criminal" instead of a "victim" of the Ponzi schemer who borrowed large sums of money from him. Another attorney, Joseph Klock, called the ethics case against Hernandez "trivial" and "beneath the dignity" of the commission.

Hernandez got caught in the alleged lie about his series of high-interest loans to Perez last year, when he testified at the federal tax-evasion trial of former Hialeah Mayor Julio Robaina and his wife, Raiza. The couple, who were acquitted at trial, had also made secret loans to Perez, in what has been described as Hialeah's "shadow-banking" business.

At the trial, Hernandez testified as a witness for prosecutors that he received more than \$100,000 in "interest" on his loans to Perez, contradicting his defiant statements at the 2011 news conference that he only received "principal" payments from the convicted schemer.