

Judge Ivan Hernandez (C06-024)

Case Number: K06-073

On July 14, 2006, the Commission on Ethics received a Complaint filed by Cynthia Barnett Hibnick, Esq. vs. Ivan Hernandez, County Court Judge in seat #4. The allegations contained in the complaint pertain to a political advertisement that appeared in the June 2006 edition of Libertad News which shows a photograph of Judge Ivan Hernandez standing next to Florida Governor Jeb Bush. Furthermore, the advertisement fails to include the appropriate disclaimers required in all paid political advertisements. The Complaint alleges that Judge Hernandez's advertisement violates Sec. 106.143 of the Florida Statutes because it does not contain the disclaimer, and that it may also violate the Judicial Canons of Ethics because it implies that Judge Hernandez has received the political endorsement of Governor Bush.

Investigation:

Pursuant to the 7/19/06 e-mail from Michael Murawski to this investigator, there is no probable cause to support the allegation that the advertisement creates the illusion that Governor Bush endorses Judge Hernandez. Moreover, Judge Hernandez has denied that his campaign ordered the advertisement. Therefore, this investigation will identify the person responsible for placing the subject advertisement.

7/28/06 – Jorge P. Castano – Director and Founder of Libertad News

This investigator interviewed Mr. Castano. Mr. Castano founded Libertad News 44 years ago. The primary purpose of the paper is to provide information to the Hispanic community. The paper publishes articles regarding the community and politics, both local and Cuba politics. It is circulated in Cuban-American communities such as Miami-Dade County and communities in New York and New Jersey. The paper is free to the public and is supported by its advertisements. Mr. Castano is also the founder of the Josefina P. Castano Kidney Foundation, Inc., a non-profit organization which he created on behalf of his wife (the "Foundation").

When asked about the advertisement, Mr. Castano advised that he placed the ad entirely on his own initiative and without compensation. Mr. Castano explained that he often picks candidates whom he supports and places political advertisements in the paper on their behalf without their prior knowledge or approval. Mr. Castano selects the candidates based on their past support of the Foundation by making money contributions or by volunteering. The ad he ran for Judge Hernandez was one of those ads. Mr. Castano stated that he has known Judge Hernandez for many years. Judge Hernandez has participated in programs presented by the paper (i.e. anniversary of paper and other fund-raising events). Judge Hernandez has also worked as a volunteer for the Foundation. These are the reasons why Mr. Castano supports Judge Hernandez. Mr. Castano explained that the photograph of Judge Hernandez with Governor Bush used in the ad was one of many photographs contained in the paper's archives that he has collected throughout the years covering the community.

Conclusion:

Upon review of the Complaint and the statements of those involved, it can be concluded that there is no probable cause to support the allegation that the photograph of Judge Hernandez and Governor Jeb Bush is a violation of the fair campaign practices, or that Judge Hernandez is responsible for circulating the subject advertisement.

Name & Signature:	Sylvia Batista, Investigator	Date: 07/31/06 Item #:
-------------------	------------------------------	---------------------------