



**CASE
CLOSED**

Date: 7/9/19

Miami-Dade Commission on Ethics & Public Trust
Investigative Report

Investigator: Sylvia Batista
Complainant: Eric Johnson
Date Opened: 06/27/19
Date Submitted:

Case No. PI19-28
Subject/
Case Name: City of Hialeah
Mayor Carlos Hernandez

Allegation(s):

The COE received information from Eric Johnson (Johnson), a Firefighter with the City of Hialeah, regarding a possible Citizens Bill of Rights violation by the Clerk of the City of Hialeah (the "Clerk") in its response to a Public Records Request from Johnson. Johnson informed that the records requested from the Clerk were the Statements of Financial Interest (Form 1) filed by Mayor Carlos Hernandez (Hernandez) for the 2011-2017 tax years. Johnson said that the records received from the Clerk had been heavily redacted making them unresponsive. Johnson informed that he requested the same records from Miami Dade County Elections Department and received the records without any redactions. Johnson said that he is aware that former law enforcement officers such as Hernandez are exempt from public disclosure of social security numbers, medical and financial information, home addresses and telephone numbers.

The Form 1s produced by the Elections Department lists two (2) real estate properties owned by Hernandez, which Johnson believes, are rental properties. Johnson alleged that Hernandez' ownership of rental properties is considered to be outside employment. Hernandez is not authorized to engage in outside employment and has not filed outside employment statements reporting his rental income, Johnson said.

The COE initiated a review of Johnson's allegations.

Relevant Laws:

Citizens Bill of Rights (A)3. Public Records. All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public

Florida Statutes Section 119.071 and Section 119.071(4)(d) – Certain information is exempt from public disclosure and is therefore deemed confidential.

Sec. 2-11.1 Conflict of Interest and Code of Ethics Ordinance Subsection (k)(2) *Outside employment:*

All full-time County employees engaged in any outside employment for any person, firm, corporation or entity other than Miami-Dade County, or the respective municipality, or any of their agencies or instrumentalities, shall file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to same and any amount of types of money or other consideration received by the employee from said outside employment. Said County employee's reports shall be filed with the Supervisor of Elections no later than 12:00 noon on July 1st of each year, including the July 1st following the last year that person held such employment. Municipal employee reports shall be filed with the clerk of their respective municipalities. Said reports shall be available at a reasonable time and place for inspection by the public. The County Manager or any city manager may require monthly reports from individual employees or groups of employees for good cause.

Ownership of three (3) or more rental units is considered outside employment unless a management company is hired to manage the units for the owner (RQO 06-48, INQ 07-83).

Review:

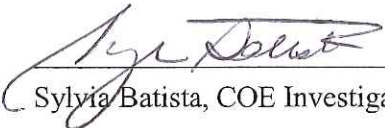
As a former sworn law enforcement officer, Mayor Hernandez is covered by FS 119.071 Sec.(4)(b)2.a(I) which exempts personal records from public disclosure. The exempt records can include home addresses and telephone numbers.

The redaction of information from his Form 1 is not a Citizens Bill of Rights violation and was legally executed by the City Clerk.

Mayor Hernandez is the President of Canahuka, Inc., a Florida for-profit corporation which owns the two (2) rental units listed in Hernandez' Form 1 produced by the Miami-Dade County Elections Department. Ownership of two rental units does not constitute outside employment. Moreover, as an elected official, Hernandez is not bound by the same outside employment rules and restrictions as municipal employees are, he does not need any authorization to engage in outside employment.

Conclusion:


This report was submitted to the Commission Advocate, Mr. Murawski who concurs in the recommendation that Mr. Johnson's claims are unsubstantiated. Accordingly, this matter is be closed with no further action.



Sylvia Batista, COE Investigator

Date: 7/22/19

Approved by:



Michael Murawski, Advocate

Date: 7/22/19



Jose Arrojo, Executive Director

Date: 7/19/19

