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MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: Captain Abdenigo Hernandez

Case No. 06-10

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

Faye Davis filed the above-captioned complaint against Captain Adednigo Hernandez ("Respondent") for alleged violation of Section 2-11.1(g) (misuse of official position). The complaint alleged the Respondent wrongfully assisted an applicant with departmental entrance tests.

The complaint alleged the Respondent assisted Melissa Hernandez ("Applicant") with physical aptitude tests for the academy. Due to the assistance of the Respondent, the applicant passed the physical ability tests. Davis also alleged the Department failed to comply with the testing protocol that is a part of the Department's conciliation agreement with the EEOC and the Joint Labor-Management Wellness/Fitness Initiative. (e.g., the hands-on and familiarization training and the applicants right to a

retest if they fail the initial examination). Finally, Davis alleged the department failed to timely investigate her complaint regarding this matter.

On May 25, 2006, the Ethics Commission found the complaint legally insufficient because the allegations concerned personnel matters outside of its jurisdiction.

Therefore it is:

ORDERED AND ADJUDGED THAT the Complaint is **DISMISSED.**

DONE AND ORDERED by the Miami-Dade Commission on Ethics and Public Trust in public session on May 25, 2006.

**MIAMI-DADE COUNTY COMMISSION
ON ETHICS AND PUBLIC TRUST**

By: _____


Kerry Rosenthal
Chairperson

cc: Captain Abednigo Hernandez
Lt. Faye Davis