

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 10-95

(Executive Order of Suspension)

**WHEREAS**, Mildred Fernandez is presently serving as a member of the Orange County Commission, District 3; and

**WHEREAS**, on April 27, 2010, the Florida Department of Law Enforcement arrested Mildred Fernandez, based on probable cause that she committed bribery, grand theft, and accepting cash campaign contributions in excess of \$50, in violation of Sections 838.015, 812.014(2)(c), and 106.09(2)(b), Florida Statutes; and

**WHEREAS**, a violation of Section 838.015, Florida Statutes, constitutes a felony of the second degree; a violation of 812.014(2)(c), Florida Statutes, constitutes a felony of the third degree; and a violation of Section 106.09(2)(b), Florida Statutes, constitutes a felony of the third degree; and

**WHEREAS**, Article IV, Section 7, of the Florida Constitution provides that the Governor may suspend from office any county officer for “malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony;” and

**WHEREAS**, it is in the best interests of the residents of Orange County, and the citizens of the State of Florida, that Mildred Fernandez be immediately suspended from the public office, which she now holds, upon the grounds set forth in this executive order;

**NOW, THEREFORE, I, CHARLIE CRIST**, Governor of Florida, pursuant to Article IV, Section 7, Florida Constitution, find as follows:

A. Mildred Fernandez is, and at all times material was, a member of the Orange County Commission, District 3.

B. The office of Orange County Commission is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

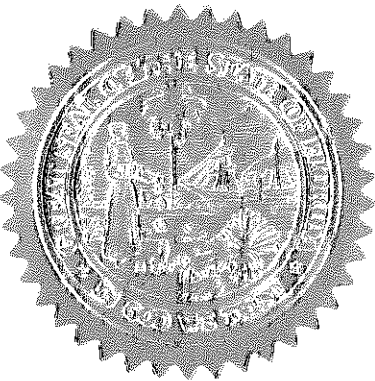
C. The attached probable cause affidavit alleges that Mildred Fernandez committed felonies in violation of the laws of Florida, which acts also constitute malfeasance. This suspension is predicated upon the attached probable cause affidavit which alleges the commission of felonies and is incorporated as if fully set forth in this executive order.

**BEING FULLY ADVISED** in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. Mildred Fernandez is suspended from the public office, which she now holds, to wit: member of the Orange County Commission, District 3.

Section 2. Mildred Fernandez is prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today, until a further Executive Order is issued, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 27<sup>th</sup> day of April, 2010.



GOVERNOR

ATTEST:

  
SECRETARY OF STATE

2010 APR 27 PM 6:39  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

FILED

Location of Defendant's Vehicle: <b>(ORI) FL048015A</b>	Date-Time Booked:	Case Number:
Agency Name: <b>State Attorney's Office</b>	Division <b>9th JC- ORL</b>	Court Case Number:
Arrested? Yes <input type="checkbox"/> No <input type="checkbox"/>	FCIC/NCIC Check? Yes <input type="checkbox"/> No <input type="checkbox"/>	Date Arrested (MM/DD/YYYY):

Address of Arrest: \_\_\_\_\_ Total Bond Set At: \$ \_\_\_\_\_

<b>DEFENDANT</b>	Adult <input checked="" type="checkbox"/> Juvenile <input type="checkbox"/>	Name Key #:	Jacket #:	Inmate #:	Language Spoken: <b>English / Spanish</b>
NAME (L,F,M) <b>FERNANDEZ, MILDRED</b>	Race: <b>W</b>	Sex: <b>F</b>	DOB: _____	Age: <b>64</b>	
RES. Street#: _____	Pre-Dir: _____	Street Name: _____	Road Designator: _____	Post-Dir: _____	Apt/Ste/Rm: _____

City: <b>ORLANDO</b>	State: <b>FL</b>	Zip: _____	Home Phone: _____
Height: <b>5' 06"</b>	Weight: _____	Hair: _____	Eyes: <b>BRO</b>
P.O.B (City, State, Country): <b>PUERTO RICO</b>			

B Business & BUS/ SCHOOL	ORANGE COUNTY COMMISSIONER, DISTRICT 3	A.K.A.:
Street#: <b>201</b>	Pre-Dir: <b>S</b>	Street Name: <b>ROSALIND</b>
Road Designator: _____	Post-Dir: _____	Apt/Ste/Rm: _____

City: <b>ORLANDO</b>	State: <b>FL</b>	Zip: <b>32801</b>	Bus. Phone: _____
Driver's Lic./ State ID No.: _____	State: _____	Year Expires: _____	S.S.#: _____

**CHARGE** FELONY  MISD.  ORD.  TRAFFIC  Court Location: \_\_\_\_\_ DOMESTIC VIOLENCE? YES  NO

Description	FSS/Ord	Suffix	Citation Number
BRIBERY	838.015 (1)		
GRAND THEFT	812.014 (2) (c)		
ACCEPTING ILLEGAL CAMPAIGN CONTRIBUTIONS	106.09 (2) (b)		

**CO-DEFENDANT** Co-Def #1 Arrested? Y  N  Fel  Misd.  Traf.  Ord.  NTA  Co-Def #2 Arrested? Y  N  Fel  Misd.  Traf.  Ord.  NTA

#1 NAME (L,F,M) <b>N/A</b>	Race:	Sex:	DOB:	Age:
#2 NAME (L,F,M) <b>N/A</b>	Race:	Sex:	DOB:	Age:

**NARRATIVE** The undersigned has probable cause to believe the above-named defendant, on the 31<sup>ST</sup> day of MARCH, 2010, and continuing on various dates until the 27<sup>TH</sup> day of APRIL, 2010, at 11500 EAST COLONIAL DRIVE, ORLANDO, FL, in Orange County did: VIOLATE FLORIDA STATUTES OF BRIBERY BY A PUBLIC OFFICIAL BY AGREEING TO ACCELERATE THE PROCESS THROUGH THE ORANGE COUNTY PLANNING DIVISION FOR A BUILDING PROJECT BEING PROPOSED BY MR. JOSE "PEPE" VASQUEZ AND BY ACCEPTING A CAMPAIGN CONTRIBUTION OF \$1,000.00 IN CASH FROM MR. VASQUEZ ON THE 31<sup>ST</sup> DAY OF MARCH 2010 AND MORE ON THE 27<sup>TH</sup> DAY OF APRIL 2010 INDICATING TO MR. VASQUEZ THAT THE DEFENDANT DID IN FACT HAVE THE ABILITY TO ACCELERATE THE PROCESS. BY FAILING TO REPORT THE CASH CONTRIBUTION, DEFENDANT COMMITTED GRAND THEFT FROM THE CAMPAIGN FUND.

Next of Kin Name:	Address:	Phone:
DCP Notified? Yes <input type="checkbox"/> No <input type="checkbox"/>	Miranda Warning? Yes <input type="checkbox"/> No <input type="checkbox"/>	By Whom? _____
Invoked? Yes <input type="checkbox"/> No <input type="checkbox"/>		

Sworn to (or affirmed) and subscribed before me this _____ day of April 2010.	I swear/affirm the above statements are correct and true.
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/> Personally Known <input checked="" type="checkbox"/> Produced Identification <input type="checkbox"/>	OFFICER'S SIGNATURE <i>Eric Hernandez</i>
Type of Identification _____	OFFICER'S PRINTED NAME (L, F) <b>Eric Hernandez</b>
Officer's Name Key: _____	Officer's Bus. Phone No.: <b>(907) 245-0801</b>

**FOR CONDITIONS USE** OBTS: \_\_\_\_\_

SAO CHARGING AFF (12/07)

Continuation of:

Charging Affidavit  
 Notice to Appear

Defendant's Name: <b>FERNANDEZ, MILDRED</b>	Case Number: SA 2010 - 03	Page 2 of 2
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**NARRATIVE CONTINUED:**

AFTER RECEIVING A SWORN COMPLAINT FROM MR. TONY CABRERO, ALLEGING THAT COMMISSIONER FERNANDEZ REQUIRED HIM TO MAKE A CAMPAIGN CONTRIBUTION BEFORE SHE WOULD MEET WITH HIM TO DISCUSS A COMMERCIAL BUILDING PROJECT HE WANTED TO CONSTRUCT IN DISTRICT 3 OF ORANGE COUNTY, FLORIDA AND VERIFYING THAT HE HAD IN FACT MADE A CONTRIBUTION, ARRANGEMENTS WERE MADE WITH THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT TO SEND AN UNDERCOVER SPANISH SPEAKING AGENT TO MEET WITH COMMISSIONER FERNANDEZ WITH A SIMILAR BUILDING PROJECT.

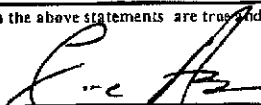
THE AIDE TO COMMISSIONER FERNANDEZ HAD ORIGINALLY INSTRUCTED THE AGENT THAT HE WOULD HAVE TO CONTACT SOMEONE IN PLANNING BEFORE MEETING WITH COMMISSIONER FERNANDEZ. ATTEMPTS WERE MADE TO MAKE CONTACT WITH NEGATIVE RESULTS AND THE MEETING TOOK PLACE WITH COMMISSIONER FERNANDEZ ON 03/30/2010. DURING THIS MEETING AND THE SUBSEQUENT DISCUSSIONS PERTAINING TO THE PROJECT, COMMISSIONER FERNANDEZ STATED THAT SHE WAS RUNNING FOR MAYOR, AND THE CAMPAIGN WAS EXPENSIVE AND SHE NEEDED LOTS OF MONEY TO CONDUCT THE CAMPAIGN. SHE DID NOT ASK FOR ANY MONEY AT THAT TIME.

THE UC AGENT STATED THAT HE WOULD BE GLAD TO HELP BUT WONDERED HOW THIS WOULD BENEFIT HIM WITH THE PROJECT THAT HE HAD IN MIND. COMMISSIONER FERNANDEZ TOLD THE UC AGENT THAT HE WOULD NOT HAVE TO WORRY ABOUT CONTACTING THE PLANNING DEPARTMENT, THAT SHE WOULD CALL THEM HERSELF.

AFTER LEAVING THE MEETING AT THE COMMISSIONER'S COUNTY OFFICE THE UC AGENT RECEIVED A PHONE CALL FROM SYLVIA BIRD, THE CAMPAIGN MANAGER FOR COMMISSIONER FERNANDEZ. MS. BIRD STATED THAT SHE HAD BEEN ASKED TO CALL HIM FOR A CAMPAIGN CONTRIBUTION. AFTER SOME DISCUSSION ABOUT THE LEGAL AMOUNTS THAT COULD BE CONTRIBUTED, ARRANGEMENTS WERE MADE WITH COMMISSIONER FERNANDEZ FOR THE UC AGENT TO MEET WITH HER ON 03/31/2010 AT HER CAMPAIGN HEADQUARTERS LOCATED ON THE 2<sup>ND</sup> FLOOR OF THE CARL BLACK BUICK / GMC DEALERSHIP AT 11500 E. COLONIAL DRIVE IN ORLANDO AND TO BRING \$1,000.00 IN CASH WITH A LIST OF 20 NAMES THAT COULD BE ASSOCIATED WITH CONTRIBUTING ONLY \$50.00 IN CASH FOR EACH.

DURING THIS MEETING, THE UC AGENT PROVIDED COMMISSIONER FERNANDEZ WITH THE \$1000.00 IN US CURRENCY IN THE FORM OF SEVERAL \$100.00 BILLS AND SEVERAL \$50.00 BILLS IN AN ENVELOPE THAT ALSO CONTAINED THE LIST OF 20 NAMES AS REQUESTED BY COMMISSIONER FERNANDEZ AND MS. BIRD. THE UC AGENT THEN ASKED COMMISSIONER FERNANDEZ AGAIN HOW SHE COULD HELP HIM WITH HIS BUILDING PROJECT AND SHE STATED THAT HE DID NOT HAVE TO WORRY ABOUT IT AT ALL, THAT SHE HAD CALLED DAVID HEATH (ORANGE COUNTY PLANNING) AND GAVE HIM THE UC AGENTS NAME AND PUT HIM AT THE TOP OF THE LIST AND THAT HE (THE UC AGENT) HAD BOUGHT ACCESS.

THE DEFENDANT ALSO COMMITTED THE ACT OF GRAND THEFT FROM HER OWN CAMPAIGN BY FAILING TO REPORT THE ILLEGAL CASH CAMPAIGN CONTRIBUTION BY THE REPORTING DATE SET BY FLORIDA STATUTES AS THE 10<sup>TH</sup> OF THE MONTH FOLLOWING THE END OF THE REPORTING PERIOD (QUARTER). IN THIS CASE THAT DATE BEING APRIL 12<sup>TH</sup>, 2010. AS OF THE 27<sup>TH</sup> OF APRIL, 2010, THE DEFENDANT HAS NOT DISCLOSED THE ILLEGAL \$1,000.00 CASH CONTRIBUTION NOR HAS SHE LISTED THE NAMES THAT WERE PROVIDED TO THE DEFENDANT UPON HER REQUEST IN EFFORT TO DISGUISE THE ILLEGAL CASH CONTRIBUTION.

Sworn to (or affirmed) and subscribed before me this ____ day of ____.	I swear/affirm the above statements are true and correct.		<b>ERIC HERNANDEZ</b>
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	OFFICER'S SIGNATURE	OFFICER'S PRINTED NAME (L.F) Hernandez, Eric	
Type of Identification _____	Officer's Name Key	Officer's Bus. Phone No.:	(907) 245-0801


Continuation of:

- Charging Affidavit  
 Notice to Appear

Defendant's Name: <b>FERNANDEZ, MILDRED</b>	Case Number: <b>SA 2010 - 03</b>	Page 3 of 3
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**NARRATIVE CONTINUED:**

ON 04/27/2010, ANOTHER MEETING TOOK PLACE BETWEEN THE UC AGENT AND COMMISSIONER FERNANDEZ AT THE CAMPAIGN HEADQUARTERS. THE UC AGENT GAVE COMMISSIONER FERNANDEZ AN ENVELOPE CONTAINING \$6,000.00 IN CASH (U.S.CURRENCY) AS AN ILLEGAL CAMPAIGN CONTRIBUTION. THE ACT OF ACCEPTING MORE THAN \$5,000.00 IN CASH AS A CAMPAIGN CONTRIBUTION IS A VIOLATION OF F.S.S. 106.09 (2) (B), A THIRD DEGREE FELONY. THE UC AGENT THEN ENGAGED IN CONVERSATION WITH COMMISSIONER FERNANDEZ AND NO EFFORT WAS MADE TO RETURN THE \$6,000.00. DURING FURTHER CONVERSATION, COMMISSIONER FERNANDEZ ASSURED THE UC AGENT THAT SHE WOULD CONTINUE TO ASSIST HIM WITH THE MENTIONED PROJECT THAT HE HAD SPOKEN TO HER ABOUT.

Sworn to (or affirmed) and subscribed before me this ___ day of <u>April</u> 2010.	I swear/affirm the above statements are true and correct.		<b>HERNANDEZ, ERIC</b>
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	OFFICER'S SIGNATURE	OFFICER'S PRINTED NAME (L,F)	
Type of Identification _____	Officer's Name Key	Officer's Bus Phone No.: <u>(407) 295-0301</u>	