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More Bad News For Former Miami City Attorney

John Pacenti, Daily Business Review

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More bad news for former Miami City Attorney Jorge L. Fernandez.

He was shown the door in 2008 after pleading guilty to making false official statements. Still, he claimed the city owed him \$274,271 in severance, vacation and sick leave pay.

A split three-judge panel of the Third District Court of Appeal on Wednesday denied Fernandez's request to overturn a circuit judge's decision denying his claim.

Fernandez got in trouble when he remodeled his office at a cost of \$300,000 replete with plasma television sets and other amenities. He also billed taxpayers for a \$1,539 dinner at the Rusty Pelican, which happened to coincide with his son's graduation party.

Miami-Dade Circuit Judge Pedro P. Echarte Jr. found in favor of the city's \$6,185 counterclaim against Fernandez and ordered him to pay nearly \$113,000 in attorney fees and costs.

Judge Vance Salter writing for the 2-1 majority, which included Judge Linda Ann Wells, said Fernandez tried to "reap the benefit of his own breaches."

In dissent, Chief Judge Frank A. Shepherd said the city's severance and leave payment provisions are ambiguous and Fernandez's claim should stand.

Fernandez was sentenced to a year probation after entering a plea to making false official statements.

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