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## Councilman Hernandez could face prison time in sex call scandal

By Stephen Wall, Staff Writer  
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COLTON - What last week seemed a slightly scandalous use of a city credit card and cell phone has turned into a criminal investigation that could end in a prison sentence.

The San Bernardino County District Attorney's Office showed a judge probable cause that a crime had occurred, leading to warrants being issued to search Councilman Ramon Hernandez's home and City Hall office on Friday.

Investigators with the district attorney's Public Integrity Unit seized records to assist in their probe into Hernandez's activities.

Experts say Hernandez could be criminally prosecuted for theft or embezzlement of public funds under the California Penal Code. A guilty verdict could mean up to four years in state prison and a lifetime ban on holding future political office in California.

"It's illegal to misuse public funds," said Robert M. Stern, president of the Center for Governmental Studies in Los Angeles. "It sounds like these were egregious expenditures. I think the person has a good chance of being prosecuted."

Hernandez, 46, has denied any wrongdoing in connection with the improper use of his credit card and cell phone.

He has been unable to explain how \$5,457 was billed for dozens of hotel rooms and hundreds of sexually explicit phone calls from May 2005 to June 2006.

Hernandez, who is married with three children, maintains the credit card and cell phone were stolen and said he has hired a private investigator to find out who is responsible.

Hernandez's credit card bill has been paid by the city, which in turn was reimbursed by Mayor Pro Tem John Mitchell, a staunch ally of Hernandez's whose role in the matter is also being questioned.

Councilman Richard De La Rosa, who promised last week to file a complaint against Mitchell with the state Fair Political Practices Commission, said he was too busy to do so Monday. He said the complaint would be filed today or Wednesday.

De La Rosa said Mitchell violated state law by loaning Hernandez money to pay the bill.

Hernandez said he reimbursed Mitchell the \$5,457 within hours of when Mitchell paid the city.

Mitchell contends he was merely helping out a friend and not loaning Hernandez any money.

Susan Mickey, spokeswoman for the District Attorney's Office, said investigators on Monday continued reviewing material they seized in the process of conducting their searches of Hernandez's City Hall office and home in the 900 block of Rose Street.

Criminal justice experts say the serving of search warrants indicates that criminal charges are looming.

"This is sort of a financial crime, if you will," said Larry Gaines, who chairs the criminal justice department at Cal State San Bernardino. "My guess is there is evidence that is likely to lead to some kind of an arrest."

Experts say that just the appearance of illegal behavior could doom a politician's career.

"Certainly, just charging the things he charged to his credit card, it doesn't look good and is at best inappropriate," said Steven Frates, a senior fellow at the Rose Institute of State and Local Government at Claremont McKenna College. "It sounds pretty cut and dried. Clearly, (authorities) think something is going on."

Hernandez, who is seeking re-election in November, faces a stiff challenge in convincing voters that he didn't do anything wrong.

"It doesn't look good," Stern said. "It's one thing if he had taken the money and used it for hotels for a political convention or something. Using it for sex calls ... that's about as bad as you can get. It's not wise when it's your personal money. Using taxpayers' money is really rubbing salt in the wound."

Stern said voters will have a hard time believing Hernandez's explanation for the improper phone calls and hotel rooms.

"I think voters are going to be very skeptical about his explanation and have every right to be skeptical," Stern said. "He'd better come up with a better explanation."