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Department of Justice Press Release

For Immediate Release
October 22, 2009

United States Attorney's Office
Southern District of Texas
Contact: (713) 567-9000

DHS Adjudications Officer Charged with Bribery

HOUSTON—Elliott R. Hernandez, 44, of Houston, a District Adjudications Officer with the Department of Homeland Security (DHS) - Citizenship and Immigration Services (CIS), has been charged with bribery, fraud in connection with a computer and receiving something of value in exchange for performing an official act to which he is not entitled, United States Attorney Tim Johnson announced today. Hernandez was arrested today at his home by agents of the DHS - Office of Inspector General (OIG) and the FBI.

The criminal complaint filed under seal and unsealed this afternoon following Hernandez's appearance before a United States Magistrate Judge accuses Hernandez of violating Title 18, USC, Sections 201 - Bribery of Public Officials, Section 1030 - Fraud and Related Activity in Connection with Computer, and Section 1951- Hobbs Act. The court has ordered Hernandez released on bond pending further criminal proceedings.

The investigation leading to the charges was initiated after CIS provided information to DHS-OIG alleging Hernandez was assisting immigration benefit applicants with their immigration paperwork for a fee. This benefit, with the exception of the application fee paid directly to CIS, is free; therefore, there is no requirement to pay additional expenses to a CIS employee to submit an application. Based upon that information, agents of the DHS-OIG and the FBI initiated a joint investigation arranging for two individuals acting under their direction to meet with Hernandez to apply for immigration benefits. According to the allegations in the complaint, during their contact with Hernandez, Hernandez was allegedly paid \$1300 in bribes and gratuities to facilitate the application process for the two individuals. Furthermore, the complaint alleges Hernandez provided secure government computer records on those two individuals and others for a fee.

Upon conviction, the offense of bribery carries a maximum possible sentence of 15 years imprisonment while fraud in connection with a computer carries a maximum possible sentence of five years imprisonment. A Hobbs Act violation carries a maximum punishment of 20 years imprisonment. All three offense also include as punishment a maximum fine of \$250,000 and up to a three-year-term of supervised release.

The case is being prosecuted by Assistant United States Attorney Mark McIntyre.

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