

**OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
REGULATION AND ENFORCEMENT**

IN THE MATTER OF:)	ADMINISTRATIVE
MR. JOHN HERNANDEZ)	PROCEEDING NUMBER:
244 FIFTH AVE, SUITE 2553)	MS-SOS-AA-2013-11
NEW YORK, NY 10001)	
)	

CONSENT AGREEMENT

I. Jurisdiction

Finding it appropriate in the public interest, the Regulation and Enforcement Division of the Office of the Secretary of State of Mississippi (hereafter "Division"), on behalf of the Secretary of State, having the power to administer and to provide for the Mississippi Athlete Agents Act, Miss. Code Ann. § 73-42-1 (hereafter "Act"), and Respondent do hereby enter into this Consent Agreement (hereafter "Agreement"). In lieu of the issuance of formal charges by the Division alleging a violation of the Act, this Agreement is entered into by the Division and the Respondent.

II. Agreement

Respondent admits the jurisdiction of the Division as to all parties and matters herein under the authority of the Act. In consideration of a final resolution of the matters set forth herein, the Division and Respondent hereby agree and stipulate to the following:

1. Pursuant to Miss. Code Ann. § 73-42-3(b), an athlete agent is an individual who enters into an agency contract with a student-athlete, or directly or indirectly recruits, induces, or solicits a student-athlete to enter into an agency contract. The term includes an individual who represents to the public that individual is an athlete agent.

2. Parties acknowledge and agree that Respondent contacted and solicited Baker Swedenburg, of Mississippi State University, a “student-athlete” pursuant to Miss Code Ann. § 73-42-3(l).
3. Parties acknowledge and agree that the Respondent, Mr. John Hernandez, 244 Fifth Ave, Suite 2553, New York, NY 10001 acted as an “athlete agent” pursuant to Miss. Code Ann. § 73-42-3(b).
4. The Division accepts Mr. Hernandez’s representation that the failure to register as an athlete agent in Mississippi was not intentional, but a mere oversight.
5. Pursuant to Miss. Code Ann. § 73-42-7(1), an individual may not act as an athlete agent in the State of Mississippi before being issued a certificate of registration under §§ 73-42-11 or 73-42-15.
6. As such, Respondent agrees to the following:
 - a. Pursuant to Miss. Code Ann. § 73-42-33, Respondent agrees to pay an administrative penalty of Five Hundred Dollars (\$500.00) for the oversight.
 - b. As a result of this Agreement, the Division agrees to not pursue any further actions against Respondent regarding the aforementioned violation. Respondent agrees to forego any appeal rights it might have to the Division’s enforcement action that is the subject of this Consent Agreement.
 - c. Both parties understand that the entry of this Agreement represents the final, unappealable settlement of regulatory claims by the Division against the Respondent.

III. Acknowledgement

The parties acknowledge that they have read this Agreement in its entirety and fully understand the rights, terms, and obligations of each contained therein and they have been vested with the express authority to enter into this Agreement. The parties further acknowledge that they have not been threatened or otherwise coerced into entering into this Consent Agreement.

The undersigned hereby acknowledge and agree to the terms and conditions of the foregoing Agreement by written consent.

So Agreed, this the 21 day of October, 2013.

By: 
John Hernandez

Date: 10/21/13

C. DELBERT HOSEMAN, JR.
SECRETARY OF STATE

By: 

Dave Scott
Assistant Secretary of State
Regulation and Enforcement

Date: 9-27-2013