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**MIAMI-DADE  
COMMISSION ON ETHICS & PUBLIC TRUST**

**In re: HIRAM SIABA**  
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**C 13-51**

**PUBLIC REPORT AND FINAL ORDER**

The Deputy General Counsel for the Commission on Ethics filed the above-referenced complaint against Respondent HIRAM SIABA, the former Director of Public Works for the Town of Miami Lakes. The complaint alleged that Respondent violated the Miami-Dade County Ethics Code at Sec. 2-11.1 (x), which prohibits Town employees from performing contract-related duties associated with any Town contractor that employed the employee during the previous two years.

An investigation into the allegations found that, between January 2011 and February 2013, Siaba performed contract-related duties associated with Ballarena Construction Group., a Town contractor that had previously employed Respondent until September 2010.

Pursuant to the Code of Miami-Dade County at Secs. 2-1068 and 2-11.1 (a), the Ethics Commission is empowered to enforce the County and municipal Code of Ethics ordinances and to accept and enforce settlement agreements entered into by the Deputy General Counsel/Advocate and Respondents.

On February 13, 2014, in public session, the Ethics Commission found probable cause to conclude that Respondent could be charged with a violation of the

County Ethics Code at Sec. 2-11.1 (x). On March 13, 2014, Respondent entered into a Settlement Agreement wherein he agreed not to contest Count 1 of the complaint, pay a \$500 fine and accept a Letter of Instruction. In exchange, the Ethics Commission dismissed Count 2 of the Complaint. The Ethics Commission hereby enters the Final Settlement Agreement and attached Letter of Instruction as part of its Final Report and Order.

Therefore it is:

**ORDERED AND ADJUDGED** that COMPLAINT C 13-51 against Respondent HIRAM SIABA is hereby concluded.

**DONE AND ORDERED** by the Miami-Dade County Commission on Ethics & Public Trust in public session on March 13, 2014.

MIAMI-DADE COUNTY COMMISSION ON ETHICS  
& PUBLIC TRUST

By:



Nelson Bellido  
Chair

Signed on this date: 4/28/2014

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



LETTER OF INSTRUCTION

**To:** Hiram Siaba  
**From:** Miami-Dade County Commission on Ethics and Public Trust  
**Re:** Ethics Complaint C13-051  
**Date:** April 2014

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On December 20, 2013, the Commission on Ethics filed an Ethics Complaint against former Town of Miami Lakes Public Works Director Hiram Siaba (Siaba). The complaint alleged that Siaba violated Section 2-11.1(x), entitled *Prohibition on County<sup>1</sup> and departmental personnel performing contract-related duties*, of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (the Ordinance).

On March 13, 2013, the Ethics Commission ratified a Settlement Agreement (attached hereto as Exhibit A) which included the issuance of this Letter of Instruction.

WHEREFORE, the Miami-Dade County Commission on Ethics and Public Trust hereby issues this Letter of Instruction to Respondent.

Investigation into the facts of this case revealed the following:

-Between April 2010 and September 2010 Respondent was employed by Ballarena Construction Group (Ballarena).

-From January 2011 until February 2013, Respondent was the Director of Public Works for the Town of Miami Lakes (the Town).

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<sup>1</sup> "References in the section to County personnel shall therefore be applicable to municipal personnel who serve in comparable capacities to the County personnel referred to." Sec. 2-11.1(a), Miami-Dade County Code.

-Between August 2011 and November 2012, Respondent awarded contracts to Ballarena for at least ten (10) public works projects over which Respondent had direct supervisory authority.

-In July 2012, the Town awarded a project, to improve Sevilla Estates Park to Ballarena, and Respondent, as the Public Works Director, had direct supervisory authority over the contract.

### **RELEVANT ORDINANCE**

Section 2-11.1(x) (Prohibition on County and departmental personnel performing contract-related duties), of the Ordinance, states in pertinent part:

“No person included in subsection (b)(5) [departmental personnel] and (b)(6) [employees], who was previously employed by...a for-profit firm, partnership or other business entity shall, for a period of two years following termination of his or her prior relationship with the business entity, perform any [City] contract-related duties regarding the business entity...where the business entity is a [City] bidder, proposer, service provider, contractor or vendor. As used in this subsection (x), ‘contract-related duties’ include...contract enforcement, oversight or administration; amendment, extension or termination of contract; or forbearance regarding any contract.”

While serving as Director of Public Works for the Town, Respondent both awarded and oversaw contracts between the Town and Ballarena, his former employer, during the prohibited two-year period. This was a clear violation of Sec. 2-11.1(x).

We instruct and advise Respondent that in the future, when he transitions between government and private employment, he must take Sec. 2-11.1(x) into account and ensure that in his public position, he neither grants, nor oversees in any way, any contract awarded to his previous employer. Furthermore, we advise the Town’s administration to be more diligent in supervising individuals who previously worked in private industry, to insure that these types of conflicts are avoided.

We remind Respondent that the Commission on Ethics is prepared to opine on any situation, regarding the Ordinance, about which he may have a doubt and encourage Respondent to request an ethics opinion whenever he is unclear as to how sections of the ethics code are applicable to him.