



## Department of Industrial Relations & Orange County District Attorney *Press Release*

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### FOR IMMEDIATE RELEASE

Case # 14ZF0330

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Contact:	Susan Kang Schroeder Chief of Staff Orange County District Attorney	Roxi Fyad Spokesperson Orange County District Attorney	Erika Monterroza Deputy Director of Communications Department of Industrial Relations 510-286-1164
Office:	714-347-8408	714-347-8405	
Cell:	714-292-2718	714-323-4486	

### **FATHER AND SON CONVICTED OF \$300,000 EMBEZZLEMENT OF EMPLOYEE WAGES ON PUBLIC WORKS PROJECTS**

SANTA ANA, Calif. – A father and son were convicted today of embezzling over \$300,000 from employee wages on public works jobs. Daniel Jacob Siapin, 60, and his son Gabriel Daniel Siapin, 37, both of La Habra Heights, pleaded guilty to a court offer of 28 felony counts of taking and receiving a portion of worker's wage on public works, and 32 felony counts of recording a false and forged instrument with a sentencing enhancement for property loss over \$200,000. Daniel Siapin's California state contractor's license was revoked today by the court. Daniel Siapin and Gabriel Siapin are each expected to be sentenced to 90 days in jail, three years formal probation, ordered to pay over \$227,000 in restitution, and are prohibited from working on any other public works contracts at their sentencing on April 11, 2016, at 9:00 a.m. in Department C-57, Central Justice Center, Santa Ana.

At the time of the crime, Daniel Siapin owned Siapin Horticulture, a landscaping, irrigation, and maintenance company, which he ran with his son Gabriel Siapin.

The defendants violated the law on a public works job, which requires a minimum "prevailing wage" be paid to workers. Prevailing wage consists of a base salary and "fringe benefits," or benefits in addition to base pay such as vacation pay and pension money. Fringe benefits must be paid directly to the worker or may be put into a fund for later withdrawal by the worker if they do not work a full 40 hours a week.

The California Labor Commissioner's office and the Orange County District Attorney (OCDA) received a complaint alleging underpayments of prevailing wages to workers on the Lakeside Middle School alterations project located in Lakeside, California. In a collaborative effort, the California Labor Commissioner provided Orange County with evidence to support allegations of underpayments of fringe benefits to workers on three different projects, including Lakeside.

In February 2010, the City of Los Angeles Compliance Department and Center for Contract Compliance assessed penalties and wage fines against the defendants' company for not paying their employees the prevailing wage on a public works job. A civil assessment was levied against the defendants.

In June 2010, both Daniel and Gabriel Siapin met with employees and offered to contract with a third party administrator to hold the employees' fringe benefits in a savings account.

Between 2011 and February 2013, Siapin and Siapin failed to deposit over \$300,000 in employee fringe benefits into the savings account from work performed in Orange County and other Southern California counties. The defendants instead embezzled the money meant for employee fringe benefits.

The State Labor Commissioner's office levied civil wage and penalty assessments for past wages following a 17-month in-depth investigation.

"Prevailing wage laws ensure that workers on public works projects are paid a just day's pay for a hard day's work, and those who violate those laws engage in wage theft," said Labor Commissioner Julie A. Su. "Wage theft is a crime and my office is working with District Attorneys across the State to investigate and prosecute these cases. I am proud of and grateful for our collaboration with the Orange County District Attorney to bring scofflaw employers to justice."

The OCDA and the Labor Commissioner work together on joint investigations to ensure that all labor laws are enforced on public works jobs, including payment to workers of the wages they've earned. The Labor Commissioner's office, also known as DIR's Division of Labor Standards Enforcement, adjudicates wage claims, investigates discrimination and public works complaints and enforces state labor law.

The OCDA criminally investigated the case. Deputy District Attorney Donde McCament of the Workers' Compensation Fraud Unit is prosecuting this case.

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