



# Oregon

Bureau of Labor and Industries

Brad Avakian  
Commissioner

July 20, 2011

Ross Cornelius, Development Manager  
Guardian Real Estate Services  
710 NW 14<sup>th</sup> Ave.  
Portland, OR 97209

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Law*  
Project: Holgate House  
Requested by: Guardian Real Estate Services

Dear Mr. Cornelius:

On July 18, 2011, you submitted a request asking if the Prevailing Wage Rate law would apply to the proposed construction project known as Holgate House. Sufficient information to make a determination was received on July 18, 2011, and therefore, the commissioner issues the following determination:

## FINDINGS OF FACT

1. The Native American Youth and Family Center ("NAYA"), a private non-profit organization, plans to construct a multi-family residential building at 9707 SE Holgate Blvd. in Portland, Oregon. NAYA will own 100 percent of the property through a to-be-formed Limited Liability Corporation.
2. Holgate House will be a three-story building consisting of nine units: 3 studio units, 3 one-bedroom units, and 3 two-bedroom units. The building will not include any commercial space. All occupants' incomes will be less than 60 percent of the area median income.
3. The proposed project will use funds of a public agency in the form of Lents Town Center Urban Renewal Area Tax Increment Funds from the Portland Housing Bureau, in the amount of \$1,076,147.

## CONCLUSIONS OF LAW

1. The proposed construction project known as Holgate House will be privately owned, will use private funds, and will use funds of a public agency in excess of \$750,000. Therefore, the proposed project is a "public works" project under ORS 279C.800(6)(a)(B).

**PORTLAND**  
800 NE Oregon St. Suite 1045  
Portland, OR 97232-2180  
(971) 673-0761  
Fax (971) 673-0762

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2. The proposed project is for residential construction that will be privately owned and that predominantly provides affordable housing. Therefore, the exemption from the prevailing wage rate law provided for in ORS 279C.810(2)(d) will apply to this project.

## **DETERMINATION**

Based on the foregoing, the Prevailing Wage Rate law, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will not apply to the proposed construction project known as Holgate House.

This determination is based on the agency's file as of the date of this determination. The commissioner may make a different determination if any of the project information is incorrect, or if the project or project documents are modified or supplemented after the date of this determination.

## **REQUEST FOR A RECONSIDERATION**

After the commissioner issues a determination, the requestor or any public agency served with a copy of the determination may request that the commissioner reconsider the determination. A request for reconsideration must be submitted in writing to the Prevailing Wage Rate Unit, must include the reason or reasons for the request and any documents in support of the request, and must be received within 15 calendar days of the date the determination was mailed. A request for reconsideration does not toll the time period for requesting a contested case hearing on the determination.

## **RIGHT TO A HEARING**

The requestor and any person adversely affected or aggrieved by this determination are entitled to a hearing as provided by the Administrative Procedures Act (ORS 183.413 to 183.470) and ORS 279C.817. If you want a hearing, the Bureau of Labor and Industries, Wage and Hour Division must receive your written request for hearing within 21 days from the date this notice was mailed. Hearing requests should be addressed and delivered to:

Administrator  
Wage and Hour Division  
Bureau of Labor and Industries  
800 NE Oregon St., Suite 1045  
Portland, Oregon 97232

If a written request for hearing is not received within this 21-day period, your right to a hearing shall be considered waived.

If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated association, you must be represented by either legal counsel or an authorized representative. If you request a hearing, you

will receive information on Contested Case Rights and Procedures before the hearing. After the hearing, an order confirming, modifying, or reversing this determination will be issued. This determination shall remain in effect until the final order is issued.

If you request a hearing, but fail to appear at any scheduled hearing, you will have waived your right to hearing, and the commissioner may issue a final order by default. If the commissioner issues a final order by default, the agency file on this matter shall serve as the record for purposes of proving a prima facie case. You are not entitled to judicial review of this determination order unless you have made a timely request for a hearing.

Date: July 20, 2011

Brad Avakian, Commissioner  
Bureau of Labor and Industries

*Christine N. Hammond*

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Christine N. Hammond, Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

## Certificate of Service

On July 21, 2011, I mailed the Prevailing Wage Rate Determination for the proposed project known as Holgate House to the requestor, public agencies, and other entities associated with this project, as follows:

Ross Cornelius, Development Manager  
Guardian Real Estate Services  
710 NW 14<sup>th</sup> Ave.  
Portland, OR 97209

Komi Kalevor, Sr. Program Manager  
Housing Development Finance  
Portland Housing Bureau  
421 SW 6<sup>th</sup> Ave., Suite 500  
Portland, OR 97204

Siobain Beddow, HDF Coordinator  
Housing Development Finance  
Portland Housing Bureau  
421 SW 6<sup>th</sup> Ave., Suite 500  
Portland, OR 97204

Rey Espana, Director of Community Development  
NAYA Family Center  
5135 NE Columbia Blvd.  
Portland, OR 97218

Lynn Ward, Director of Operations and Finance  
NAYA Family Center  
5135 NE Columbia Blvd.  
Portland, OR 97218

  
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Susan Wooley  
PWR Technical Assistance Coordinator  
Wage and Hour Division  
Bureau of Labor and Industries