



September 5, 2012

Janeal Kohler
Douglas Multi-Family Property Management Corporation
902 W Stanton St
Roseburg, OR 97471

Re: *Determination Whether Project is Subject to Prevailing Wage Rate*
Project: Blueridge II Apartments
Requested by: Douglas Multi-Family Property Management Corporation

Dear Ms. Kohler:

On August 22, 2012, you submitted a request on behalf of Douglas Multi-Family Property Management Corporation, asking whether a proposed project is subject to the prevailing wage rate law. Sufficient information to make a determination was received on September 4, 2012, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. The Housing Authority of Douglas County, Oregon (HADCO) currently owns the Blueridge II apartment complex in which the proposed reconstruction will occur. The completed Project will be owned by HADCO and managed by Douglas Multi-Family Property Management Corporation (DMPM).
2. DMPM is registered as a domestic nonprofit mutual benefit corporation with members. DMPM was formed to operate as a supporting corporation to HADCO by managing HADCO's multi-family property portfolio. The sole member of DMPM is HADCO.
3. DMPM proposes to reconstruct a single apartment unit at the Blueridge II Apartments that was severely damaged by a fire on August 10, 2012.
4. The proposed project will use insurance proceeds derived from an insurance claim submitted by DMPM to ORWACA Agency Insurance Services, Inc.
5. The total project cost will exceed \$50,000.

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CONCLUSIONS OF LAW

1. DMPM is an instrumentality of HADCO, and is therefore a public agency under ORS 279C.800(5).
2. The project is publicly owned, will involve reconstruction, and will be carried on and contracted for by a public agency to serve the public interest, and therefore meets the definition of "public works" under ORS 279C.800(6)(a)(A).
3. This project will use funds of a public agency, and therefore the exemption under ORS 279C.810(2)(b) will not apply.
4. The project cost will exceed \$50,000 and therefore the exemption provided for in ORS 279C.810(2)(a) will not apply.
5. The Project does not meet the definition of "Residential Construction" because it is publicly owned, and therefore does not qualify for an exemption under ORS 279C.810(2)(d).

DETERMINATION

Based on the foregoing, the prevailing wage rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will apply to the Blueridge II Apartments project.

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 either by 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 issued 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: September 5, 2012

Brad Avakian, Commissioner
Bureau of Labor and Industries

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

Certificate of Service

On September 5, 2012, I mailed, by certified mail, the Prevailing Wage Rate Determination for the Blueridge II Apartments project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

Janeal Kohler, Finance Director
Douglas Multi-Family Property Management Corporation
902 W. Stanton St.
Roseburg, OR 97471

Hannah Wood

Hannah Wood, Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries