

**BRAD AVAKIAN**  
COMMISSIONER



**CHRISTIE HAMMOND**  
DEPUTY COMMISSIONER

**BUREAU OF LABOR AND INDUSTRIES**

**BEFORE THE COMMISSIONER  
OF THE BUREAU OF LABOR AND INDUSTRIES  
OF THE STATE OF OREGON**

In the Matter of:

Case No. **05-17**

**WCI CONSTRUCTION LIMITED  
LIABILITY COMPANY and  
EUGENE GRAEME, individually,**

**FINAL ORDER INCORPORATING  
INFORMAL DISPOSITION**

Respondents.

On May 3, 2017, the Commissioner of the Bureau of Labor and Industries ("Commissioner" or the "Agency") issued a Notice of Intent to Place on List of Ineligibles and to Assess Civil Penalties ("NOI") against WCI Construction LLC and Eugene Graeme ("Respondents").

The NOI assessed civil penalties against Respondent WCI Construction LLC in the amount of \$47,453.60 for violations of prevailing wage rate laws; specifically, ORS 279C.840, OAR 839-025-0035 and OAR 839-025-0040 pertaining to the payment of the prevailing rate of wage and fringe benefits on a public works; ORS 279C.840(4), (5) and OAR 839-025-0033 pertaining to prevailing rate of wage and health and benefit information posting requirements; and ORS 279C.845 and OAR 839-025-0010 pertaining to preparing and filing timely, accurate, and complete payroll and certified statement forms.

1 The NOI recommended that WCI Construction LLC and Eugene Graeme and  
2 any firm, corporation, partnership, limited liability company or association in which they  
3 have a financial interest be placed on the list of contractors who are ineligible to receive  
4 any contract or subcontract for public works for a period of three (3) years from the date  
5 of publication of their names on that list.

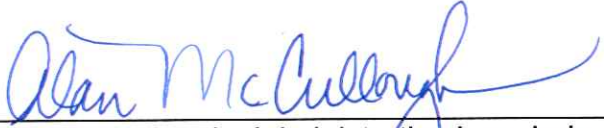
6 Respondents were duly served with the NOI, along with information about the  
7 contested case process.

8 On June 2, 2017, the Agency filed a fully-executed Agreed Settlement with the  
9 forum that resolved all issues alleged in the NOI. By signing the Agreed Settlement, the  
10 participants waived their rights to a contested case hearing. This Final Order is not  
11 subject to ORS 183.470, is not subject to judicial review under ORS 183.480, and may  
12 be set aside only as follows: "Within 60 days after such final order is issued, a  
13 participant may petition the agency to set aside the order on the ground that the  
14 informal disposition was obtained by fraud or duress." OAR 839-050-0220(9)(d).

15 The terms of the Agreed Settlement are hereby adopted by the Commissioner  
16 and incorporated into this Final Order in their entirety. Under ORS 183.417(3),  
17 Respondents and the Agency having fully executed the attached Agreed Settlement,  
18 the record of this matter is hereby closed.

19  
20 **IT IS SO ORDERED**

21 Entered at Eugene, Oregon, on June 26, 2017

22  
23   
24 Alan McCullough, Administrative Law Judge  
25 Bureau of Labor and Industries

1                                   BEFORE THE COMMISSIONER  
2                                   OF THE BUREAU OF LABOR AND INDUSTRIES  
3                                   OF THE STATE OF OREGON

4  
5 In the Matter of:

Case No. 05-17

6 WCI CONSTRUCTION LLC

AGREED SETTLEMENT

7 And

8 EUGENE GRAEME, Individually

9                                   Respondents.  
10

11 I.     RECITALS:

12         1.     On May 3, 2017, the Commissioner of the Bureau of Labor and Industries  
13 ("Commissioner" or the "Agency") issued a Notice of Intent to Place on List of Ineligibles  
14 and to Assess Civil Penalties ("NOI") against WCI Construction LLC and Eugene  
15 Graeme ("Respondents").

16         2.     The NOI assessed civil penalties against Respondent WCI Construction  
17 LLC in the amount of \$47,453.60 for violations of prevailing wage rate laws; specifically,  
18 ORS 279C.840, OAR 839-025-0035 and OAR 839-025-0040 pertaining to the payment  
19 of the prevailing rate of wage and fringe benefits on a public works; ORS 279C.840(4),  
20 (5) and OAR 839-025-0033 pertaining to prevailing rate of wage and health and benefit  
21 information posting requirements; and ORS 279C.845 and OAR 839-025-0010  
22 pertaining to preparing and filing timely, accurate, and complete payroll and certified  
23 statement forms.

24         3.     The NOI recommended that WCI Construction LLC and Eugene Graeme  
25 and any firm, corporation, partnership, limited liability company or association in which

1 they have a financial interest be placed on the list of contractors ineligible to receive any  
2 contract or subcontract for public works for a period of three (3) years from the date of  
3 publication of their names on the ineligible list. .

4 4. Respondents were duly served with the NOI, along with information about  
5 the contested case process.

6 5. Pursuant to ORS 183.417(3), and Oregon Administrative Rule 839-050-  
7 0220, the Agency and Respondents wish to compromise and settle this matter by the  
8 terms contained in this Agreed Settlement.

9 II. NOW, THEREFORE, in consideration of the mutual covenants and agreements  
10 contained herein, each of the parties hereto stipulates and agrees that:

11 1. Respondents waive any and all objections they may have as to the form,  
12 manner or sufficiency of service and timeliness of the NOI.

13 2. By signing this Agreed Settlement, Respondents waive their right to a  
14 contested case hearing for the matters alleged in case number 05-17. This Agreed  
15 Settlement, when fully executed, will be incorporated into a Final Order Incorporating  
16 Informal Disposition ("Final Order") by an administrative law judge.

17 3. The Final Order is not subject to ORS 183.470 or judicial review. Within  
18 sixty (60) days of the issuance of the Final Order, any adversely affected or aggrieved  
19 party may petition the Agency to have the Final Order set aside on the ground that it  
20 was obtained by fraud or duress, as provided by OAR 839-050-0220(9)(d).

21 4. The parties waive any and all jurisdictional, procedural, and evidentiary  
22 objections and agree that none of them are aware of any fraud or duress herein to date.  
23

24 5. Respondent WCI Construction LLC agrees to pay civil penalties of  
25 \$20,000 to the Oregon Bureau of Labor and Industries at the rate of \$1,000 per month

1 for 20 months. Payments are due on the last date of the month, with the first payment  
2 due no later June 30, 2017. The checks shall be delivered to the Oregon Bureau of  
3 Labor and Industries, Fiscal Services, 1045 State Office Building, 800 NE Oregon St.,  
4 Portland, Oregon 97232-2180.


5 6. Time is of the essence with the payment described in paragraph II.5. If  
6 Respondent WCI Construction fails to make its payments within 10 days of any due  
7 date as provided in paragraph II.5, then the Agency may immediately file the Final Order  
8 as a judgment against Respondent WCI Construction LLC for the full amount of civil  
9 penalties as recited in paragraphs I.2 of this Agreed Settlement, less any payments  
10 made, plus interest from the date the judgment is filed and without necessity of a  
11 hearing.  
12


13 7. Respondents agree that "WCI Construction LLC" and "Eugene Graeme"  
14 will be placed on the list of contractors ineligible to receive public works contracts (aka  
15 debarment list) for ten (10) years from the date the Final Order is executed pursuant to  
16 ORS 279C.860 and OAR 839-025-0085. Respondents acknowledge that any firm,  
17 corporation, partnership, limited liability company or association in which they have a  
18 financial interest may not receive a contract or subcontract for public works during this  
19 period of debarment.

20 8. Based upon Respondents' full compliance with this Agreed Settlement,  
21 the Agency agrees to forego any further or additional action in this matter based on the  
22 violations alleged in the NOI.


23 9. The Agreed Settlement may be executed in counterpart, each of which  
24 shall be deemed an original, and all of which, taken together, shall constitute one and  
25 the same instrument. In addition, the Agreed Settlement may be executed and

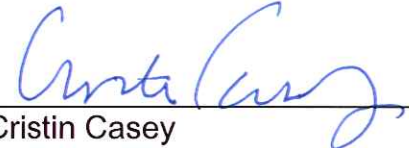
1 transmitted via email or facsimile device, which transmission shall be as valid and  
2 enforceable as an original.

3  
4 By:  Date: 6-24-17  
5 Eugene Graeme  
6 WCI Construction LLC

7 By:  Date: 6/2/17  
8 Gerhard Taeubel, Administrator  
9 Wage and Hour Division

10  
11 APPROVED AS TO FORM AND CONTENT

12 By:  Date: 6-24-17  
13 Eugene Graeme  
14 WCI Construction LLC

15 By:  Date: 6/2/17  
16 Cristin Casey  
17 Administrative Prosecutor

18  
19  
20  
21  
22  
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24  
25



BEFORE THE COMMISSIONER  
OF THE BUREAU OF LABOR AND INDUSTRIES  
OF THE STATE OF OREGON

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I SERVED A COPY OF THE ATTACHED:

**FINAL ORDER INCORPORATING INFORMAL DISPOSITION**

In the Matter of:

**WCI CONSTRUCTION LLC And EUGENE GRAEME, Individually,**  
**HU #05-17**

BY HAND DELIVERING OR PLACING IT IN INTERNAL STATE MAIL SERVICES TO EACH PERSON AT THE ADDRESS LISTED BELOW:

.....

Cristin Casey Administrative Prosecutor Bureau of Labor and Industries 1045 State Office Building 800 NE Oregon Street Portland, OR 97232	Judgment Unit Bureau of Labor and Industries 1045 State Office Building 800 NE Oregon Street Portland, OR 97232	Gerhard Taeubel, Administrator Wage and Hour Division Bureau of Labor and Industries 1045 State Office Building 800 NE Oregon Street Portland, OR 97232
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AND BY PREPARING AND PLACING IT IN THE OUTGOING BUREAU OF LABOR AND INDUSTRIES MAIL TO EACH PERSON OR ENTITY AT THE ADDRESSES LISTED BELOW:

Eugene Graeme WCI Construction LLC 169 Cody Lane Madras, OR 97741  via Regular Mail
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On Monday, June 26, 2017



Diane M. Anicker, Contested Case Coordinator, Bureau of Labor and Industries, 971-673-0865