

Ross Cornelius
Development Manager
Guardian Management LLC
710 NW 14th Ave, Second Floor
Portland OR 97209

Re: *Determination Whether Project is Subject to Prevailing Wage Rate*
Project: Miracles Club Affordable Housing
Requested by: Guardian Management LLC

Dear Mr. Cornelius:

On May 23, 2008, you submitted a request on behalf of Guardian Affordable Housing Development LLC (“Guardian”) asking whether a proposed project is subject to the Prevailing Wage Rate law. Sufficient information to make a determination was received by June 12, 2008, and therefore, the commissioner issues the following determination:

FINDINGS OF FACT

1. Miracles Club MLK LLC, of which Guardian is the managing member, will own the project site on NE Martin Luther King Jr. Boulevard in Portland, Oregon.
2. Guardian proposes to develop the property into an apartment building consisting of four floors of residential rental units over a ground floor utilized as common spaces serving the building’s occupants. Of the 38 residential units to be built, all will be units occupied by occupants whose incomes are no greater than 50 percent of the area median income.
3. To develop the project, Guardian intends to use a loan in the amount of \$3,265,764 from the Portland Development Commission, a loan of \$200,000 from the state Department of Human Services, and a grant of \$500,000 from the City of Portland.

CONCLUSIONS OF LAW

1. The construction project is intended to be privately owned. \$750,000 or more in funds of a public agency will support the project. Therefore, the definition of a “public works” under ORS 279C.800(6)(a)(B) will apply to this project.
2. The project involves the construction of a structure that will be five stories in height. Consequently, it will not meet the definition of “residential construction”

under ORS 279C.810(2)(d)(D) or OAR 839-025-0004(24) and the exemption for residential construction that provides affordable housing does not apply.

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 Miracles Club Affordable Housing 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.

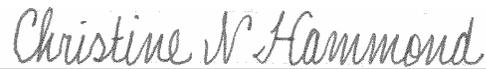
If you request a hearing, you will be notified of the date, time and place of the hearing. You have the right to be represented by legal counsel at a hearing. However, if you are a government agency, corporation, partnership, or unincorporated association, you must be represented by either legal counsel 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: June 20, 2008

Brad Avakian, Commissioner
Bureau of Labor and Industries

A handwritten signature in cursive script that reads "Christine N. Hammond".

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

Certificate of Service

On June 20, 2008, I mailed, by certified mail, the Prevailing Wage Rate Determination for the Miracles Club Affordable Housing project to the requestor and any public agencies identified by requestor as being associated with this project, as follows:

Dan Williams
Portland Development Commission
222 NW Fifth Ave
Portland OR 97209

Gerhard Taeubel, Compliance Specialist
Wage and Hour Division
Bureau of Labor and Industries