



February 20, 2013

Tom Bowers  
Deems, Inc.  
1194 Center Street NE  
Salem, OR 97301

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*  
Project: Building Addition to 1133 Chemeketa Street NE, Salem, Oregon  
Requested by: Tom Bowers, Deems, Inc., for The Cartwright Group, LLC

Dear Mr. Bowers:

On February 14, 2013, you submitted a request asking if the Prevailing Wage Rate laws would apply to the proposed construction project to add square footage to the privately-owned building located at 1133 Chemeketa Street NE in Salem, Oregon. Sufficient information to make a determination was received on February 19, 2013, and therefore, the commissioner issues the following determination:

## FINDINGS OF FACT

1. The Cartwright Group, LLC (“Cartwright”), a domestic limited liability company, owns an office building located at 1133 Chemeketa Street NE in Salem, Oregon.
2. In 2005, Cartwright leased this office space to the Oregon Judicial Department (“OJD”) for seven years. At that time, there was approximately 8,250 rentable square feet of office space, and the building address was 324 Capitol Street NE.
3. In 2008, Cartwright and OJD entered into an amended lease for this property, whereby Cartwright would add 7,084 rentable square feet to the building, the monthly lease amount would increase because of the additional square footage being leased, and the lease would be extended through June 30, 2017. At that time, the address for the property was changed to 1133 Chemeketa Street NE.
4. Cartwright and OJD propose to enter into an amended lease for this property this year, whereby Cartwright will add 2,450 rentable square feet to the building, the monthly lease amount will increase again because of the additional square footage to be leased, and the lease will be extended through June 30, 2023.

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

**SALEM**  
3865 Wolverine St. NE; E-1  
Salem, OR 97305-1268  
(503) 378-3292  
FAX (503) 373-7636

**EUGENE**  
1400 Executive Parkway, Suite 200  
Eugene, OR 97401-2158  
(541) 686-7623  
FAX (541) 686-7980

**BEND**  
Apprenticeship and Training  
Worksource Bend  
1645 NE Forbes Rd, Ste 106  
Bend, OR 97701-4990  
(541) 322-2435  
FAX (541) 389-8265

Oregon Relay TTY:711

[www.oregon.gov/boli](http://www.oregon.gov/boli)  
AN EQUAL OPPORTUNITY EMPLOYER

**MEDFORD**  
Apprenticeship and Training  
119 N Oakdale Ave.  
Medford, OR 97501-2629  
(541) 776-6201  
FAX (541) 776-6284



5. OJD leases 100 percent of the current building, and will lease 100 percent of the additional space to be added to the building.
6. The approximate cost of the building addition will be \$300,000. Cartwright will pay all the construction costs for this addition, and there are no provisions in the lease for OJD to reimburse Cartwright for any of the construction costs through lease payments.

## **CONCLUSIONS OF LAW**

1. The proposed project uses funds of a private entity for the construction of an addition to a privately-owned building in which a public agency will occupy 25 percent or more of the square footage of the completed project. Therefore, the proposed project meets the definition of “public works” under ORS 279C.800(6)(a)(C).
2. Pursuant to ORS 279C.810(2)(b), the prevailing wage rate laws do not apply to projects for which no funds of a public agency are directly or indirectly used. This exemption applies to this proposed project, as no public funds will be used on the project.

## **DETERMINATION**

Based on the foregoing, the Prevailing Wage Rate laws, ORS 279C.800 to ORS 279C.870, and OAR Chapter 839, Division 025, will not apply to the proposed construction project to add square footage to the privately-owned building located at 1133 Chemeketa Street NE in Salem, Oregon.

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: February 20, 2013

Brad Avakian, Commissioner  
Bureau of Labor and Industries



---

Gerhard Taeubel, Administrator  
Wage and Hour Division  
Bureau of Labor and Industries

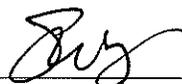
## Certificate of Service

On February 20, 2013, I mailed the Prevailing Wage Rate Determination for the proposed construction project to add square footage to the privately-owned building located at 1133 Chemeketa Street NE in Salem, Oregon, to the requestor and associated public agencies, as follows:

Tom Bowers  
Deems, Inc.  
1194 Center Street NE  
Salem, OR 97301

Dave Cozzie, Senior Leasing Agent  
DAS, Real Estate Services  
1225 Ferry St SE U100  
Salem, OR 97301-4281

Bob Baxter, Procurement Manager  
Oregon Judicial Department  
Supreme Court Building  
1163 State Street  
Salem, OR 97301-2563



---

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