Oregon

Bureau of Labor and Industries
Brad Avakian
Commissioner

October 22, 2015

Douglas C. Blomgren
Bateman Seidel
888 SW Fifth Avenue, Suite 1250
Portland, OR 97204

Re: *Determination Whether Project is Subject to Prevailing Wage Rate Laws*
Project: Capitol Plaza Apartments
Requested by: Bateman Seidel

Dear Mr. Blomgren:

On October 21, 2015, the Bureau of Labor and Industries received your request asking if the Prevailing Wage Rate laws would apply to the proposed reconstruction and renovation work to be done on the Capitol Plaza Apartments. Sufficient information to make a determination was received on October 21, 2015, and therefore, the commissioner issues the following determination:

FINDING OF FACT

1. RPH Investment Group I Limited Partnership (the "Partnership") is an Oregon limited partnership. The general partner in the Partnership is RPH GP LLC, an Oregon limited liability company. The Partnership plans to acquire a 36-unit low-income apartment building located at 1165 Chemeketa NE in Salem, Oregon. The apartment building is referred to as the Capitol Plaza Apartments.

2. The Partnership will rehabilitate the Capitol Plaza Apartments, and will continue to operate it as housing for occupants with incomes at or below 60 percent of the area median income.

3. No public agency will own or lease any part of the property, and no public agency will occupy or use any part of the property.

4. Sources of funding for the project consist of both private funds and funds of a public agency. Funds of a public agency to be used on the project:
   $500,000 OHCS General Housing Account Program Funds
   $161,000 OHCS Low-Income Weatherization Funds

Private funds to be used on the project:

$1,775,000	Private Equity Investment
$7,070,000	Commercial Construction Loan
$925,000	Commercial Permanent Financing
$406,000	Private Seller Financing by RPH Corporation

CONCLUSIONS OF LAW

1. The proposed project will not be carried on or contracted for by a public agency, and therefore, the project does not meet the definition of "public works" under ORS 279C.800(6)(a)(A).

2. The proposed project will be privately owned and will use funds of a private entity; however, the project will not use $750,000 or more in funds of a public agency. Therefore, the project does not meet the definition of "public works" under ORS 279C.800(6)(a)(B).

3. No public agency will occupy or use any space in the proposed project. Therefore, the project does not meet the definition of "public works" under ORS 279C.800(6)(a)(C).

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 Capitol Plaza 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, this determination order will be final, and the agency file on this matter shall serve as the record for purposes of proving a prima facie case.

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 order 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.

Date: October 22, 2015

Brad Avakian, Commissioner
Bureau of Labor and Industries

Gerhard Taeubel

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

Certificate of Service

On October 22, 2015, I mailed the Prevailing Wage Rate Determination for the Capitol Plaza Apartments project to the requestor and interested party, as follows:

Douglas C. Blomgren
Bateman Seidel
888 SW Fifth Avenue, Suite 1250
Portland, OR 97204

RPH Investment Group I Limited Partnership
Jeremy Leckie
643 Union Street, Suite 200
Salem, OR 97301

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