

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS

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DECISION ON ADMINISTRATIVE APPEAL  
RE: PUBLIC WORKS CASE NO. 2001-044  
SOLEDAD CANYON SHOPPING CENTER  
CITY OF SANTA CLARITA

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The undersigned, having reviewed the administrative appeal filed by the City of Santa Clarita ("City"), said appeal is hereby denied for the reasons set forth in the initial coverage determination ("Determination"), dated September 26, 2002, which is incorporated by reference herein, as well as for the reasons set forth below.

In its response to City's appeal, Southern California Painting, Drywall Finishers, Floor Layers and Glaziers Apprenticeship Trust Public Works Compliance ("Trust") urge the Department, pursuant to title 8, California Code of Regulations section 16001(a), to consider the pre-appeal record closed and reject all documents submitted by City on appeal. The basis for Trust's position is the alleged failure of City to provide relevant documents requested by this Department throughout the coverage determination process. Under the regulation, when a party refuses to release a copy of a document in its possession, the

Department shall consider that said document(s), if released, would contain information adverse to the withholding party's interest and may close the record and render a decision on the basis of the adverse inference.

Although the Trust does not describe City's requested document production with complete accuracy, to be sure City (and also Developer) did not submit all of the documents or information requested by the Department prior to the Determination or even in the appeal process. The undersigned issued the Determination on the basis of the documents submitted and inferred under 8 CCR section 16001(a) that any documents withheld by City or Developer would support the finding that the Soledad Canyon Shopping Center is a single, interdependent and integrated public work project requiring the payment of prevailing wages. I decline, however, to disregard the documents finally submitted by City on appeal. Having reviewed those documents, and as is evident from this Decision on Appeal, they do not change the findings set forth in the Determination.

In its appeal, City requests a hearing. 8 CCR section 16002.5(b) provides that the decision to hold a hearing is within the Director's sole discretion. Because the material facts of this case are undisputed and the issues raised are

legal ones, there are no factual issues to be decided and no hearing is necessary. City's request is therefore denied.

This decision constitutes final administrative action in this matter.

Dated: 1-15-03

Chuck Cake

Chuck Cake, Acting Director  
Department of Industrial  
Relations