

STATE OF NEW YORK DEPARTMENT OF LABOR

IN THE MATTER OF

CHRISTA CONSTRUCITON, LLC  
Prime Contractor

and

OWNER CONTROLLED FLOORING, INC.

and

FLOORS R US, LLC

AND

JOHN OATHOUT d/b/a JOHNNY O's QUALITY  
FLOORING,  
Subcontractor

**DEFAULT  
DETERMINATION  
&  
ORDER**

Prevailing Rate Case  
02-00264 Cayuga County

A proceeding pursuant to Article 8 of the Labor Law to determine whether a contractor paid the rates of wages or provided the supplements prevailing in the locality to workers employed on a public work project.

WHEREAS a hearing was held in the above-captioned matter; and

WHEREAS the Hearing Officer submitted the annexed Default Report & Recommendation dated February 2, 2009:

NOW, THEREFORE, upon review of the Hearing Officer's Default Report & Recommendation, the Notice of Hearing and evidence submitted in support thereof, and upon John Oathout's failure to appear to controvert any of the allegations set forth in the Notice of Hearing, or to serve an Answer raising any denials or defenses thereto, or to tender any evidence contesting any of the foregoing, and upon the entire record of this proceeding, it is

ORDERED that the Hearing Officer's findings and conclusions be, and hereby are, adopted; and it is further

ORDERED that the Hearing Officer's recommended determinations and orders be, and hereby are, adopted, and they shall constitute the final **Determination & Order** of the Commissioner of Labor as if fully set forth herein.

Dated: February 17, 2009  
Albany, New York

A handwritten signature in black ink that reads "M Patricia Smith". The signature is written in a cursive style with a horizontal line underneath it.

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M. Patricia Smith  
Commissioner of Labor  
State of New York