

APPROVED
05-18-2016

BOARD OF RECREATION
AND PARK COMMISSIONERS

BOARD REPORT

NO. 16-120

DATE May 18, 2016

C.D. 9

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: CENTRAL RECREATION – CENTER POOL AND BATHHOUSE RENOVATION (PRJ20251) (W.O. #E1907620) PROJECT – ACCEPTANCE AND RELEASE OF STOP PAYMENT NOTICE ON CONSTRUCTION CONTRACT NO. 3513

AP Diaz _____	V. Israel _____
<i>for</i> R. Barajas <u>USD</u> _____	K. Regan _____
H. Fujita _____	N. Williams _____

for
Ramon Barajas
General Manager

Approved Disapproved _____ Withdrawn _____

RECOMMENDATIONS

1. Direct staff to withhold the amounts claimed in the following Stop Payment Notices, plus an additional sum equal to 25% thereof, to defray any costs of litigation in the event of court action, if said amount of said funds are available, and to notify contractors, sureties, and other interested parties that the amount of said claims plus 25% will be withheld; and,
2. Accept the Release of Stop Payment Notices.

STOP PAYMENT NOTICE:

The Department of Recreation and Parks (RAP) is in receipt of a legal notice to withhold construction funds, pursuant to California Civil Code Sections 8044, 8100 et seq., 8500 et seq., 9350 et seq. on the following contract:

Contract 3513 CD 9

Central Recreation Center – Pool And Bathhouse Renovation (PRJ20251) (W.O. #E1907620) Project	General Contractor:	Acon Development, Inc.
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Construction Status: 99% Complete

Claimant: Walters Wholesale Electric #7

Project Impact: None

Amount: \$26,831.99

BOARD REPORT

PG. 2 NO. 16-120

RELEASE OF STOP PAYMENT NOTICES:

RAP is in receipt of the Release of Stop Payment Notice filed by the claimant below, which releases the Board from any and all liability for withholding funds from the general contractors or the sureties:

Contract 3513 CD 9

Central Recreation Center – Pool And Bathhouse
Renovation (PRJ20251) (W.O. #E1907620)
Project

General Contractor: Acon Development, Inc.

Construction Status: Construction

Claimant: Walters Wholesale Electric #7

Project Impact: None

Amount: \$26,831.99

FISCAL IMPACT STATEMENT:

Acceptance of Stop Payment Notices has no impact on the Department of Recreation and Parks' General Fund.

This Report was prepared by Iris Davis, Commission Executive Assistant I, Board Office.

LISTS OF ATTACHMENTS

- 1) Stop Payment Notice
- 2) Verification
- 3) Release of Stop Payment Notice In Its Entirety
- 4) California All-Purpose Acknowledgement

BOARD OF RECREATION
AND PARK COMMISSIONERS
3513
FEBRUARY - 4 PM 12:47

STOP PAYMENT NOTICE - PRIVATE WORKS / PUBLIC WORKS
LEGAL NOTICE TO WITHHOLD CONSTRUCTION FUNDS
(CA CIVIL CODE " 8044, 8100 et seq., 8500 et seq., 9350 et seq.)

<p>TO: OWNER OR REPUTED OWNER, OR PUBLIC ENTITY (see CA Civ. Code §§ 8506, 8520-8522, 8036, 9354)</p> <p>NAME: LOS ANGELES CITY PLAYGROUND/ ADDRESS: CITY OF LOS ANGELES DEPT OF PUBLIC WORKS 221 N FIGUEROA ST #1550 LOS ANGELES CA 90015</p>	<p>DIRECT CONTRACTOR or REPUTED DIRECT CONTRACTOR (see CA Civ. Code § 8018)</p> <p>ACON DEVELOPMENT INC 1554 S SAINT ANDREWS PL LOS ANGELES CA 90019</p>	<p>CONSTRUCTION LENDER or REPUTED CONSTRUCTION LENDER, if any (see CA Civ. Code § 8006, 8506, 8530-8538)</p> <p>NONE/BOND CO: INTERNATIONAL FIDELITY INS CO C/O C & D BONDING 534 E BADILLO ST COVINA CA 91723</p>
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YOU ARE HEREBY NOTIFIED THAT (Claimant):
 Name: **WALTERS WHOLESALE ELECTRIC #7**
 Address: **ELECTRIC CO 2825 TEMPLE AVE SIGNAL HILL CA 90755**
 Relationship to the parties of the one giving this notice (subcontractor, supplier, describe if otherwise): **SUPPLIER**

HAS FURNISHED WORK, LABOR, SERVICES, EQUIPMENT OR MATERIAL OF THE FOLLOWING GENERAL DESCRIPTION:
ELECTRICAL SUPPLIES

FOR THE BUILDING, STRUCTURE OR OTHER WORK OF IMPROVEMENT LOCATED AT THE FOLLOWING ADDRESS OR SITE OTHERWISE DESCRIBED SUFFICIENTLY FOR IDENTIFICATION:
 Address or Description: **OWNER PROJ #14-287**
1351 E 22ND ST
LOS ANGELES CA
"CENTRAL PARK RECREATION CENTER
POOL & BATH HOUSE RENOVATION"
WO #E1907620

THE PERSON OR FIRM TO WHOM SUCH WORK, LABOR, SERVICES, EQUIPMENT OR MATERIAL IS PROVIDED:
 Name: **APS ELECTRIC INC**
 Address: **1262 S CRENSHAW BLVD #4**
LOS ANGELES CA 90019

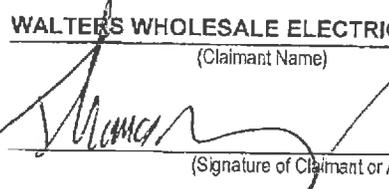
The value of the whole amount of work, labor, service, equipment, and/or material to be provided is:	\$ 91,831.99
The value of work, labor, services, equipment or material provided to date is:	26,831.99
Claimant has been paid the sum of:	0.00
And there remains unpaid after deducting all just credits and offsets the sum of:	26,831.99
Together with interest at the rate of: 10.00% per annum, from 03/25/2016	

UNDER CALIFORNIA CIVIL CODE § 8522, 8536, and/or 9358 YOU ARE REQUIRED TO SET ASIDE SUFFICIENT FUNDS TO SATISFY THIS CLAIM WITH INTEREST, COURT COSTS AND REASONABLE COSTS OF LITIGATION, AS PROVIDED BY LAW. YOU ARE ALSO NOTIFIED THAT CLAIMANT CLAIMS AN EQUITABLE LIEN AGAINST ANY CONSTRUCTION FUNDS FOR THIS PROJECT WHICH ARE IN YOUR HANDS.

DATE: **03/01/2016**

NAME OF CLAIMANT: **WALTERS WHOLESALE ELECTRIC #7**

 (Claimant Name)

BY: 

 (Signature of Claimant or Authorized Agent)

VERIFICATION

I, Thomas G NANCE the undersigned say: I am the THOMAS NANCE DIRECTOR OF CREDIT
(Owner of, President of, Authorized Agent of, Partner of, etc.)
the claimant named in the foregoing STOP PAYMENT NOTICE – PRIVATE WORKS / PUBLIC WORKS. I have read said STOP PAYMENT NOTICE – PRIVATE WORKS / PUBLIC WORKS and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 03/01/2016 at SIGNAL HILL, CA
[Date] [City/State]
BY: [Signature]
[Signature]

PROOF OF SERVICE DECLARATION
(CA Civil Code Sections 8100-8118)

I, Thomas G NANCE, declare that I served a copies of the above STOP PAYMENT NOTICE - PRIVATE WORKS / PUBLIC WORKS (check appropriate box):

- a. By personally delivering copies to _____ (name(s) and title(s) of person served) at _____ (address), on _____ (date), at _____ (time)
- b. By Registered or Certified Mail, Express Mail or Overnight Delivery by an express service carrier, addressed to each of the parties at the address shown above on 03/01/2016 (date)
- c. By leaving the notice and mailing a copy in the manner provided in § 415.20 of the California Code of Civil Procedure for service of Summons and Complaint in a Civil Action.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signed at SIGNAL HILL, CA on 03/01/2016 (date),
[Signature]
(Signature of person making service)

Cont 3513

BOARD OF RECREATION
AND PARK COMMISSIONER

**RELEASE OF STOP PAYMENT NOTICE IN ITS ENTIRETY
- PRIVATE WORKS / PUBLIC WORKS**

2016 APR 14 AM 8:36

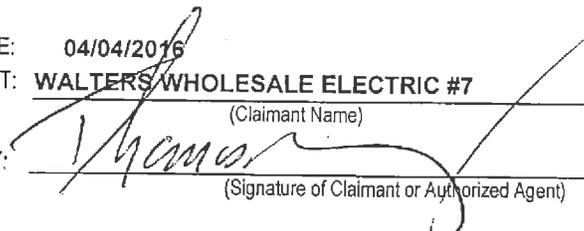
(CA CIVIL CODE " 8044, 8100 et seq., 8500 et seq., 9350 et seq.)

TO: OWNER OR REPUTED OWNER, OR PUBLIC ENTITY <small>(see CA Civ. Code §§ 8506, 8520-8522, 8036, 9354)</small>	DIRECT CONTRACTOR or REPUTED DIRECT CONTRACTOR <small>(see CA Civ. Code § 8018)</small>	CONSTRUCTION LENDER or REPUTED CONSTRUCTION LENDER, if any <small>(see CA Civ. Code § 8006, 8506, 8530-8538)</small>
NAME: LOS ANGELES CITY PLAYGROUND/ ADDRESS: CITY OF LOS ANGELES DEPT OF PUBLIC WORKS 221 N FIGUEROA ST #1550 LOS ANGELES CA 90015	ACON DEVELOPMENT INC 1554 S SAINT ANDREWS PL LOS ANGELES CA 90019	NONE/BOND CO: INTERNATIONAL FIDELITY INS CO C/O C & D BONDING 534 E BADILLO ST COVINA CA 91723

THE UNDERSIGNED, **WALTERS WHOLESALE ELECTRIC #7**
 HEREBY ENTIRELY RELEASES AND FULLY DISCHARGES THE STOP PAYMENT NOTICE DATED **03/01/2016**
 WHICH WAS AT THAT TIME IN THE AMOUNT OF **\$ 26,831.99**
 AGAINST **LOS ANGELES CITY PLAYGROUND/**

AS THE OWNER OF THE WORK OF IMPROVEMENT OR THE PUBLIC ENTITY, OR (IF APPLICABLE) AGAINST
 Contractor: **ACON DEVELOPMENT INC**
 AS DIRECT CONTRACTOR FOR THE WORK OF IMPROVEMENT LOCATED AT THE FOLLOWING ADDRESS OR SITE
 OTHERWISE DESCRIBED SUFFICIENTLY FOR IDENTIFICATION:

Address or Description: **OWNER PROJ #14-287**
1351 E 22ND ST
LOS ANGELES CA
"CENTRAL PARK RECREATION CENTER
POOL & BATH HOUSE RENOVATION"
WO #E1907620

DATE: **04/04/2016**
 NAME OF CLAIMANT: **WALTERS WHOLESALE ELECTRIC #7**
(Claimant Name)
 BY: 
(Signature of Claimant or Authorized Agent)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)
On April 6, 2016 before me, Cindy L. Martin, a Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Thomas Nance
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Cindy L. Martin
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Release of Stop Paymen Document Date: April 4, 2016
Number of Pages: 1 Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____