

REPORT OF GENERAL MANAGER

NO. 05-23

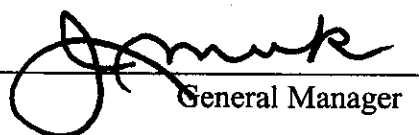
DATE January 19, 2005

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: CABRILLO MARINE AQUARIUM - MASTER PLAN IMPLEMENTATION
(#1505D) - STOP NOTICE AND RELEASE OF STOP NOTICE

* K. Chan	<u>kc</u>	J. Kolb	_____
J. Combs	_____	F. Mok	_____
H. Fujita	_____	G. Stigile	_____


General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Accept the Stop Notice from Chem-Pruf Door Company, Ltd., in the amount of \$22,273.42; and,
2. Acknowledge receipt of an affidavit from FTR International, Inc., General Contractor for the Cabrillo Marine Aquarium – Master Plan Implementation (#1505D), and, as no counter-affidavit was received from Chem-Pruf Door Company, Ltd. within 20 days of mailing the affidavit, release the Stop Notice in the amount of \$22,273.42.

SUMMARY:

On November 12, 2004, the Department received a Stop Notice from Chem-Pruf Door Company, Ltd., (Chem-Pruf) to withhold funds in the amount of \$22,273.42 from FTR International, Inc. (FTR) for the Cabrillo Marine Aquarium Master Plan Implementation (#1505D).

On November 19, 2004, the Department received a letter and affidavit from FTR, challenging the aforementioned Stop Notice from Chem-Pruf, stating that the Notice was defective in that Chem-Pruf failed to file a California Preliminary 20-Day Notice for the project. Pursuant to California Civil Code section 3199, the Department forwarded a copy of the affidavit to Chem-Pruf via certified mail and informed them that if a valid counter-affidavit with proof of service was not received in the Board Office by December 28, 2004 (20 days after the date of the certified letter) the funds would be released to FTR International, Inc.

REPORT OF GENERAL MANAGER

PG. 2

NO. 05-23

No such counter-affidavit was received by Chem-Pruf; therefore, in accordance with California Civil Code section 3200, the funds must be released to FTR forthwith, and the Board is released from any and all liability for said release of funds.

Report prepared by Lisa Shinsato