

**APPROVED**  
FEB 16/2023  
BOARD OF RECREATION  
AND PARK COMMISSIONERS

**BOARD REPORT**

NO. 23-039

DATE February 16, 2023

C.D. 8

**BOARD OF RECREATION AND PARK COMMISSIONERS**

SUBJECT: VAN NESS CHILD CARE CENTER PROJECT (PRJ21523) – ACCEPTANCE OF STOP PAYMENT NOTICE AND RELEASE OF STOP PAYMENT NOTICE ON CONSTRUCTION CONTRACT NO. 3798 FOR CHRIS KELLEY, INC. DBA CHILDS PLAY

B. Aguirre	_____	M. Rudnick	_____
H. Fujita	_____	<i>Fu</i> C. Santo Domingo	<i>DF</i> _____
B. Jackson	_____	N. Williams	_____

  
\_\_\_\_\_  
General Manager

Approved   X   Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

**RECOMMENDATIONS**

1. Direct staff to withhold the amounts claimed in the Stop Payment Notice against Chris Kelley, Inc. dba Childs Play, as detailed in this Report and which is attached as Attachment 1 to this Report, 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;
2. Direct staff to release \$41,750 of the amount withheld on Construction Contract No. 3798 with Chris Kelley, Inc. dba Childs Play in accordance with the Release of Stop Payment Notice attached as Attachment 2 to this Report; and
3. Direct the Board of Recreation and Park Commissioners (Board) Secretary to notify the contractor, surety, and other appropriate parties that the Release of Stop Payment Notice was accepted.

**SUMMARY**

**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 Section 8044 on the following contract (Attachment 1):

Contract 3798            CD 8

BOARD REPORT

PG. 2 NO. 23-039

Van Ness Child Care Center (PRJ21523)

General Contractor: Chris Kelley, Inc. dba Childs Play

Claimant: Raider Painting Company  
Amounts: \$ 41,750.00

RELEASE OF STOP PAYMENT NOTICE:

RAP is in receipt of a Release of Stop Payment Notice by the claimant below, which releases the Board of Recreation and Park Commissioners (Board) from any and all liability for withholding funds from the general contractor or the sureties:

Contract 3798 CD 8

Van Ness Child Care Center (PRJ21523)

General Contractor: Chris Kelley, Inc. dba Childs Play

Claimant: Raider Painting Company  
Amounts: \$ 41,750.00

FISCAL IMPACT

Acceptance of the Stop Payment Notice and the Release of Stop Payment Notice has no impact on RAP's General Fund.

This Report was prepared by Takisha Sardin, Commission Executive Assistant II.

ATTACHMENT

1. Stop Payment Notice
2. Release of Stop Payment Notice

Filing Requested by Raider Painting Company  
Please Return To Raider Painting Company:  
c/o Levelset  
8605 Santa Monica Blvd #7790  
Los Angeles, CA 90069

SPACE ABOVE FOR PUBLIC ENTITY USE

Reference: 10390652

## **STOP PAYMENT NOTICE AND BOND CLAIM**

Legal Notice to Withhold Construction Funds  
Public Works - California Civil Code Sections 9350 et seq.

### **NOTICE TO:**

#### **PUBLIC ENTITY**

LA CITY  
221 N Figueroa Street Suite 350  
Los Angeles, California 90012

#### **DIRECT CONTRACTOR**

Chris Kelley, Inc. dba Childs Play  
11621 Monarch St.  
Garden Grove, California 92841

#### **SURETY**

Requested

#### **NOTICE FROM: CLAIMANT**

Raider Painting Company  
PO Box 2898  
Merced, California 95344  
(714) 377-1427

**YOU ARE HEREBY NOTIFIED THAT** the  
**CLAIMANT** has furnished labor, services,  
equipment and/or materials, of the following  
general description (**SERVICES**):

Labor & Materials associated with Painting, Coatings &/or  
Wallcovering

These **SERVICES** have been contracted for by:

Chris Kelley, Inc. dba Childs Play  
11621 Monarch St.  
Garden Grove, California 92841

**IMPORTANT INFORMATION ON FOLLOWING PAGE**

**BOARD OF RECREATION  
AND PARK COMMISSIONER  
2022 OCT 28 PM 12:26**

These **SERVICES** were furnished for a work of improvement located at, and described as follows:  
(Identify Address where project located)

5720 2nd Avenue  
Los Angeles, California 90043  
Project Number (if known): PRJ21523  
Project Name (if known): Van Ness Child Care

**Accounting of Amount Due:**

Total Value of **SERVICES** agreed to be furnished (May be Estimated): \$75,000.00

Value of **SERVICES** Furnished to date: \$75,000.00

Amount Paid to Claimant: \$33,250.00

**Due, Owing and Unpaid over and above all payments and offsets**  
(Amount Due for Work Provided through date of this Notice): **\$41,750.00**

You are hereby 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 fund for this project which are in your hands.

Further, the **CLAIMANT** is protected by the Direct Contractor's Bond on this project, and will look to the Bond to satisfy any amounts unpaid pursuant to California Civil Code § 9550-9566.

A check in the amount of \$10.00 has been included with this Stop Payment Notice. This check is sent pursuant to California Civil Code § 9362, which requires you to provide certain notice to the **CLAIMANT** no later than 10 days after the filing of a notice of completion or after the cessation of labor has been deemed a completion of the public work or after the acceptance of completion, whichever is later.

**VERIFICATION**

I, the undersigned, as a disclosed and authorized agent of the Claimant, state that I have read the foregoing Stop Payment Notice, that I have been provided information regarding the facts and contents therein, and that based thereupon, I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signed:



\_\_\_\_\_  
Claimant, by authorized limited agent

Print Name: Michael Mann

Date: October 10, 2022

# Unconditional Waiver and Release on Final Payment

## Cal. Civ. Code §8138

**NOTICE TO CLAIMANT: THIS DOCUMENT WAIVES AND RELEASES LIEN, STOP PAYMENT NOTICE, AND PAYMENT BOND RIGHTS UNCONDITIONALLY AND STATES THAT YOU HAVE BEEN PAID FOR GIVING UP THOSE RIGHTS. THIS DOCUMENT IS ENFORCEABLE AGAINST YOU IF YOU SIGN IT, EVEN IF YOU HAVE NOT BEEN PAID. IF YOU HAVE NOT BEEN PAID, USE A CONDITIONAL WAIVER AND RELEASE FORM.**

### IDENTIFYING INFORMATION

**Name of Claimant:** Raider Painting Company

**Name of Customer:** Chris Kelley, Inc. dba Childs Play

**Job Location:** Van Ness Child Care, 5720 2nd Avenue, Los Angeles, California 90043

**Owner:** L A CITY

**Job Name (if any):** Van Ness Child Care

### UNCONDITIONAL WAIVER AND RELEASE

This document waives and releases lien, stop payment notice, and payment bond rights the claimant has for labor and service provided, and equipment and material delivered, to the customer on this job. Rights based upon labor or service provided, or equipment or material delivered, pursuant to a written change order that has been fully executed by the parties prior to the date that this document is signed by the claimant, are waived and released by this document, unless listed as an Exception below. The claimant has been paid in full.

### EXCEPTIONS

This document does not affect any of the following:

Disputed claims for extras in the amount of: \$ \_\_\_\_\_

**Signature**



\_\_\_\_\_  
Raider Painting

\_\_\_\_\_  
Raider Painting Company  
December 22, 2022

# Unconditional Waiver and Release on Final Payment

Cal. Civ. Code §8138

**NOTICE TO CLAIMANT: THIS DOCUMENT WAIVES AND RELEASES LIEN, STOP PAYMENT NOTICE, AND PAYMENT BOND RIGHTS UNCONDITIONALLY AND STATES THAT YOU HAVE BEEN PAID FOR GIVING UP THOSE RIGHTS. THIS DOCUMENT IS ENFORCEABLE AGAINST YOU IF YOU SIGN IT, EVEN IF YOU HAVE NOT BEEN PAID. IF YOU HAVE NOT BEEN PAID, USE A CONDITIONAL WAIVER AND RELEASE FORM.**

## IDENTIFYING INFORMATION

**Name of Claimant:** Raider Painting Company

**Name of Customer:** Chris Kelley, Inc. dba Childs Play

**Job Location:** Van Ness Child Care, 5720 2nd Avenue, Los Angeles, California 90043

**Owner:** L A CITY

**Job Name (if any):** Van Ness Child Care

## UNCONDITIONAL WAIVER AND RELEASE

This document waives and releases lien, stop payment notice, and payment bond rights the claimant has for labor and service provided, and equipment and material delivered, to the customer on this job. Rights based upon labor or service provided, or equipment or material delivered, pursuant to a written change order that has been fully executed by the parties prior to the date that this document is signed by the claimant, are waived and released by this document, unless listed as an Exception below. The claimant has been paid in full.

## EXCEPTIONS

This document does not affect any of the following:

Disputed claims for extras in the amount of: \$ \_\_\_\_\_

**Signature**



\_\_\_\_\_  
Raider Painting

\_\_\_\_\_  
Raider Painting Company  
December 22, 2022

Reference ID: QX9D6MKBRHV6  
Stop Notice Ref. Number: DP8HV6G7QWVH

**RELEASE OF STOP PAYMENT NOTICE AND CLAIM ON BOND**  
Civil Code §8128

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**Claimant**

Raider Painting Company  
PO Box 2898  
Merced, California 95344  
(714) 377-1427

**Prime Contractor**

Chris Kelley Dba Childs Play  
11621 Monarch St  
Garden Grove, CA 92841

**Property Owner (Owner)**

L A CITY  
221 N Figueroa Street Suite 350  
Los Angeles, California 90012

**Surety**

Requested

**Property:**

**County:** Los Angeles County  
**Address:** 5720 2nd Avenue, Los Angeles, California 90043  
**Project Name:** Van Ness Child Care  
**Amount of Claim to be Released:** \$41,750.00  
**Amount of Claim Still Due:** \$0.00

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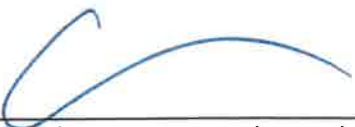
**IMPORTANT INFORMATION AND SIGNATURES ON FOLLOWING PAGE**

FOR GOOD AND VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the undersigned and above-identified Claimant, does hereby release from the effect of that certain Stop Payment Notice served on the construction fund holder(s) and against the above-named Owner, Prime Contractor and Surety, as above-indicated, and for the amount indicated, on the construction job identified and described above as the Project as of December 29, 2022.

**VERIFICATION**

I, the undersigned, say: I am the appointed agent of the claimant named in the foregoing Release of Stop Payment Notice and Claim on Bond ("Release"). I have read said Release and know the contents thereof; the same is true of my knowledge, information and belief. I declare, under penalty of perjury under the laws of the state of California, that the foregoing verification is true and correct.


Signed:

  
Raider Painting Company, by Authorized Agent  
Print Name: Chantel Jackson  
Date: December 29, 2022

State of Louisiana  
County of Orleans

On the following date, December 29, 2022, before me, undersigned Notary Public, personally appeared Chantel Jackson, 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.

  
Notary Public

