

BOARD REPORT

NO. 23-061

DATE March 16, 2023

C.D. 10

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: RANCHO CIENEGA SPORTS COMPLEX PROJECT- PHASE 1 (PRJ20308) (PRJ21190) (W.O #E1907694) – ACCEPTANCE OF STOP PAYMENT NOTICES AND RELEASE OF STOP PAYMENT NOTICES ON CONSTRUCTION CONTRACT NO. 3645 FOR PINNER CONSTRUCTION CO., INC.

| | | | |
|------------|-------|-----------------------------|-----------|
| B. Aguirre | _____ | M. Rudnick | _____ |
| | | <i>for</i> C. Santo Domingo | <u>DF</u> |
| B. Jackson | _____ | N. Williams | _____ |



 General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATIONS

1. Direct staff to withhold the amounts claimed in the Stop Payment Notices against Pinner Construction Co., Inc., as detailed in this Report and as set forth in Attachments 1 and 2 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; and
2. Direct staff to release \$7,079.78 and \$1,284.68 of the amounts withheld on Construction Contract No. 3645 with Pinner Construction Co., Inc. in accordance with the two Releases of Stop Payment Notice attached as Attachments 2 and 3 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 two Releases of Stop Payment Notice were accepted.

STOP PAYMENT NOTICES

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, on the following contract:

| | | |
|--|------------------------|----------------------------|
| Rancho Cienega Sports Complex Project- Phase 1 (PRJ20308) (PRJ21190) (W.O) # E1907694) | General Contractor: | Pinner Construction., Inc. |
| | Claimant: | Walter Wholesale Electric |

BOARD REPORT

PG. 2 NO. 23-061

Amount: \$7,079.78
General Contractor: Pinner Construction., Inc.
Claimant: American Rentals, Inc.
Amount: \$1,284.68

RELEASES OF STOP PAYMENT NOTICE:

RAP is in receipt of two Releases of Stop Payment Notice by the claimants below, which releases the Board of Recreation and Park Commissioners (Board) from the obligation to withhold funds from the general contractor or the sureties pursuant to its applicable stop payment notice:

Contract 3645 CD 10

Rancho Cienega Sports Complex Project-
Phase 1 (PRJ20308) (PRJ21190)
(W.O) # E1907694

General Contractor: Pinner Construction., Inc.
Claimant: Walter Wholesale Electric
Amount: \$7,079.78
General Contractor: Pinner Construction., Inc.
Claimant: American Rentals, Inc.
Amount: \$1,284.68

FISCAL IMPACT

Acceptance of the Stop Payment Notices and the Releases of Stop Payment Notice have no impact on RAP's General Fund

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

ATTACHMENT

1. Stop Payment Notice and Release of Stop Payment Notice-Walter Wholesale Electric
2. Stop Payment Notice and Release of Stop Payment Notice-American Rentals, Inc.

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

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

| | | | |
|-----------------|--|--|---|
| TO: | OWNER OR REPUTED OWNER, OR PUBLIC ENTITY (see CA Civ. Code §§ 8506, 8520-8522, 8036, 9354) | DIRECT CONTRACTOR or REPUTED DIRECT CONTRACTOR (see CA Civ. Code § 8018) | CONSTRUCTION LENDER or REPUTED CONSTRUCTION LENDER, if any (see CA Civ. Code § 8006, 8506, 8530-8538) |
| NAME: | CITY OF LOS ANGELES BOARD OF RECREATION AND PARK COMM | PINNER CONSTRUCTION CO INC | BOND CO:HARTFORD FIRE INSURANCE CO |
| ADDRESS: | 221 N FIGUEROA ST LOS ANGELES, CA 90012 | 1255 S LEWIS ST ANAHEIM, CA 90012 | 440 E HUNTINGTON DR STE 317 ARCADIA, CA 91006 |
| | ALT OWNER:LA CITY 5001 OBAMA BLVD LOS ANGELES, CA 90016 | | BOND# 72BCSHX6523 |

THE UNDERSIGNED, **WALTERS WHOLESALE ELECTRIC #40**

HEREBY ENTIRELY RELEASES AND FULLY DISCHARGES THE STOP PAYMENT NOTICE DATED **06/03/2022**

WHICH WAS AT THAT TIME IN THE AMOUNT OF \$ **7,079.78**

AGAINST **CITY OF LOS ANGELES BOARD**

AS THE OWNER OF THE WORK OF IMPROVEMENT OR THE PUBLIC ENTITY, OR (IF APPLICABLE) AGAINST

Contractor: **PINNER CONSTRUCTION CO INC**

AS DIRECT CONTRACTOR FOR THE WORK OF IMPROVEMENT LOCATED AT THE FOLLOWING ADDRESS OR SITE
OTHERWISE DESCRIBED SUFFICIENTLY FOR IDENTIFICATION:

Address or **18204PC RANCHO CIENEGA**
Description: **5001 RODEO RD SPORTS
COMPLEX
LOS ANGELES, CA 90016**

DATE: **07/05/2022**

NAME OF CLAIMANT: **WALTERS WHOLESALE ELECTRIC #40**

(Claimant Name)

BY: _____

(Signature of Claimant or Authorized Agent)

Gaby Wilkins

RECEIVED
7/20/22

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 Orange

On 7/05/2022 before me, Rosita L Caccavale, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Gaby Wilkins
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.



Place Notary Seal and/or Stamp Above

Signature Rosita L Caccavale
Signature of Notary Public

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 Payment
Document Date: 7/05/2022 Number of Pages: _____
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Gaby Wilkins Signer's Name: _____
 Corporate Officer – Title(s): _____ Corporate Officer – Title(s): _____
 Partner – Limited General Partner – Limited General
 Individual Attorney in Fact Individual Attorney in Fact
 Trustee Guardian of Conservator Trustee Guardian of Conservator
 Other: Authorized Agent Other: _____
Signer is Representing: Walters Wholesale Electric Co Signer is Representing: _____

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.)

| | | |
|--|--|---|
| TO: OWNER OR REPUTED OWNER, OR PUBLIC ENTITY (see CA Civ. Code §§ 8506, 8520-8522, 8036, 9354) | DIRECT CONTRACTOR or REPUTED DIRECT CONTRACTOR (see CA Civ. Code § 8018) | CONSTRUCTION LENDER or REPUTED CONSTRUCTION LENDER, if any (see CA Civ. Code § 8006, 8506, 8530-8538) |
| NAME: CITY OF LOS ANGELES BOARD OF RECREATION AND PARK COMM ADDRESS: 221 N FIGUEROA ST LOS ANGELES, CA 90012 ALT OWNER: LA CITY 5001 OBAMA BLVD LOS ANGELES, CA 90016 | PINNER CONSTRUCTION CO INC 1255 S LEWIS ST ANAHEIM, CA 90012 | BOND CO: HARTFORD FIRE INSURANCE CO 440 E HUNTINGTON DR STE 317 ARCADIA, CA 91006 BOND# 72BCSHX6523 |

YOU ARE HEREBY NOTIFIED THAT (Claimant):

Name: **WALTERS WHOLESALE ELECTRIC #40**
 Address: **200 N BERRY STREET BREA CA 92821**

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: **18204PC RANCHO CIENEGA
 5001 RODEO RD SPORTS COMPLEX
 LOS ANGELES, CA 90016**

THE PERSON OR FIRM TO WHOM SUCH WORK, LABOR, SERVICES, EQUIPMENT OR MATERIAL IS PROVIDED:

Name: **H & S ELECTRIC INC**
 Address: **27895 SMYTH DR #6A
 VALENCIA, CA 91355**

| | |
|--|-------------|
| The value of the whole amount of work, labor, service, equipment, and/or material to be provided is: | \$ 7,079.78 |
| The value of work, labor, services, equipment or material provided to date is: | 7,079.78 |
| Claimant has been paid the sum of: | 0.00 |
| And there remains unpaid after deducting all just credits and offsets the sum of: | 7,079.78 |
| Together with interest at the rate of: 10.00% per annum, from 06/25/2022 | |

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: **06/03/2022**

NAME OF CLAIMANT: **WALTERS WHOLESALE ELECTRIC #40**
 (Claimant Name)

BY: *Ebby Wilkins*
 (Signature of Claimant or Authorized Agent)

Ebby Wilkins (Page 1 of 2)

STOP PAYMENT NOTICE

LEGAL NOTICE TO WITHHOLD CONSTRUCTION FUNDS (Public or Private Work of Improvement) (Per California Civil Code Section 8520, 8530 & 9350)

To: City of Los Angeles, Board of Recreation & Park Commissioners
(Name of owner, public entity or construction lender)
221 N. Figueroa St.
(Address, if directed to a bank use address of branch holding fund)
Los Angeles, CA 90012
(if directed to public entity, to the department or officer whose duty it is to make payments)

Project: Rancho Cienega Sports Complex Project Ph. 1
(Name)
Project@ 21823 (previously 5001 Rodeo Rd.) 5001 Obama Blvd.
(Street Address or Legal Description)
Los Angeles, CA 90016

Name and address of the Project Owner (or reputed owner): City of Los Angeles, Board of Recreation & Park Commissioners
221 N. Figueroa St., Los Angeles, CA 90012

Name and address of the Direct Contractor: Pinner Construction Co., Inc.
1255 S. Lewis St., Anaheim, CA 92805

Name and address of the Construction Lender (if any): _____

TAKE NOTICE THAT American Rentals, Inc. (Claimant)
(Legal name of the person or firm claiming the stop payment notice)
whose address is 2830 Rubidoux Blvd., Riverside, CA 92509
(Address of person or firm claiming stop notice)

has performed labor and furnished materials for a work of improvement described above as Project. The relationship of the Claimant to the other parties is: vendor

The work furnished by claimant is: bare construction equipment
(generally describe labor, service, equipment, or material furnished or agreed to be furnished by claimant)

The labor and materials were furnished at the request of the following party: Kincaid Industries, Inc. 31-065 Plantation Dr., Thousand Palms, CA 92276

Total value of the whole amount of labor and materials agreed to be furnished is \$ _____

The value of the labor and materials furnished to date is: \$ 1284.68

Claimant has been paid the sum of: \$ _____

and there is due, owing and unpaid the sum of: \$ 1284.68

You are required to set aside sufficient funds to satisfy this claim 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.

Dated 11/21/2022

NAME: Alfredo Jimenez
(Name of stop notice claimant)

By: 
(Owner or agent of stop notice claimant must sign here and verify below)

Authorized Capacity: Preliminary Specialist

| | |
|---|--|
| VERIFICATION | |
| I, the undersigned, state: I am the <u>Preliminary Specialist</u> of the claimant named in the | |
| <small>(Title - "President", "Partner", "Owner", "Agent", etc.)</small> | |
| foregoing Stop Notice; I have read said Stop Notice 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 <u>November 21</u> 20 <u>22</u> , at <u>Riverside</u> , California. | <small>(Date this document was signed) (Name of city where stop notice signed)</small> |
| By:  | <small>(Signature of the individual who is swearing that the contents of the stop notice are true)</small> |

REQUEST FOR NOTICE OF ELECTION
(Private Works Only)
(Per California Civil Code Section 8536 & 8538)

If an election is made not to withhold funds pursuant to this stop notice by reason of a payment bond having been recorded, **please send notice** of such election and a copy of the bond within 30 days of such election in the enclosed preaddressed stamped envelope. This information must be provided by you under Civil Code Sections 8536 & 8538.

Signed: 

(Claimant must enclose self-addressed stamped envelope)

PROOF OF NOTICE DECLARATION
(Per California Civil Code Section 8118)

I, Alfredo Jimenez, declare that I served a copy of the Stop Payment Notice on the party at the address and on the date shown below:

To Construction Lender/Owner/Public Entity/Or Other Person Holding Construction Funds:
(name) City of Los Angeles, Board of Recreation & Park Commissioners

(title or capacity of individual given notice) Owner

(address) 221 N. Figueroa St., Los Angeles, CA 90012

(date) 11/21/2022

Stop Payment Notice should be served at the following location:

- (a) To an owner other than a public entity, the owner's address shown on the direct contract, the building permit or a construction trust deed;
- (b) To a public entity, the office of the public entity or another address specified by the public entity in the contract or elsewhere for service of notices, papers or other documents. A Stop Payment Notice for a public works contract of the state, shall be given to the director of the department that awarded the contract; and to a public entity other than the state, to the office of the controller, auditor or other public disbursing officer whose duty it is to make payment pursuant to the contract (see Civil Code §9354 for more information).
- (c) To a direct contractor, at the contractor's address shown on the building permit, on the direct contract, or on the records of the Contractors' State License Board.

In the following manner (check appropriate box):


By personal delivery

By Registered or Certified Mail (postage prepaid)

Express mail

Overnight delivery by _____, an express service carrier

I declare under penalty of perjury, that the foregoing is true and correct. Executed on 11/21/2022, at Riverside, California.


(Signature of person making service)

RELEASE OF STOP PAYMENT NOTICE

(Civil Code § 8128)

TO: City of Los Angeles, Board of Recreation & Park Commissioners
(owner, construction lender or public entity)
221 N. Figueroa St.
(address)
Los Angeles, CA 90012

YOU ARE HEREBY NOTIFIED that the undersigned claimant releases that certain Stop Payment Notice dated 11/21/2022, in the amount of \$ 1,284.68 against City of Los Angeles Board of Recreation & Park Commissioners as owner or public body and Pinner Construction Co., Inc. as direct contractor in connection with the work or improvement known as Rancho Cienega Sports Complex Project Ph. 1 in the City of Los Angeles, County of Los Angeles, State of California. This Release of Stop Payment Notice is given pursuant to Civil Code section 8128 and shall be effective only to release the Stop Payment Notice identified in this document and shall not release any other claim or rights to enforce payment of the Claimant.

Date: 12/12/2022 Name of Claimant: American Rentals, Inc.
Address: 2830 Rubidoux Blvd., Riverside, CA 92805
Telephone: 951-367-0220
By: [Signature]
(Signature)
Preliminary Specialist
(Title)

VERIFICATION

I, the undersigned, state: I am the Preliminary Specialist of the claimant named in the foregoing Release; I have read said Release of Stop Payment Notice and know the contents thereof, and I certify that the same is true of my knowledge. I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on DECEMBER 12TH, 2022, at RIVERSIDE, State of California.

[Signature]
Signature of Claimant or Authorized Agent

RECEIVED
12/15/22