

APPROVED

FEB 16 2023

BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 23-038

DATE February 16, 2023

C.D. 9

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: SOUTH PARK CHILD CARE CENTER PROJECT (PRJ21524) – 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 C. Santo Domingo
B. Jackson N. Williams

[Signature]
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Approved X Disapproved Withdrawn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 \$71,750 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.

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 9

BOARD REPORT

PG. 2 NO. 23-038

South Park Child Care Center (PRJ21524)

General Contractor: Chris Kelley, Inc. dba Childs Play

Claimant: Raider Painting Company
Amounts: \$ 71,750.00

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 9

South Park Child Care Center (PRJ21524)

General Contractor: Chris Kelley, Inc. dba Childs Play

Claimant: Raider Painting Company
Amounts: \$ 71,750.00

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: 10390654

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

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

345 East 51st Street
Los Angeles, California 90011
Project Number (if known): PRJ21524
Project Name (if known): South Park Child Care

Accounting of Amount Due:

Total Value of **SERVICES** agreed to be furnished (May be Estimated): \$105,000.00

Value of **SERVICES** Furnished to date: \$105,000.00

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): **\$71,750.00**

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.

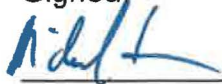
Further, the **CLAIMANT** is protected by the Direct Contractor's Bond on this project, and will look to the Bond to satisfy any amounts unpaid pursuant to California Civil Code § 9550-9566.

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



October 14, 2022

The following is in response to your request for proof of delivery on your item with the tracking number: **9314 8100 1170 1107 9224 65.**

Item Details

Status: Delivered, Left with Individual
Status Date / Time: October 13, 2022, 02:27 p.m.
Location: LOS ANGELES, CA 90012
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic
Recipient Name: LA City

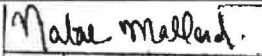
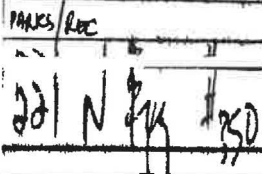
Shipment Details

Weight: 2.0oz

Destination Delivery Address

Street Address: 221 N FIGUEROA ST STE 350
City, State ZIP Code: LOS ANGELES, CA 90012-4399

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Affidavit of Delivery

Delivery on behalf of: Raider Painting Company
Re: 345 East 51st Street, Los Angeles, California 90011
Item Delivered: Public Stop Notice & Claim on Bond

I, Michael Mann, declare that on October 10, 2022, I delivered copies of above-referenced item to the following parties, and through the following methods:

Property Owner / Public Entity, LA City

221 N Figueroa Street Suite 350

Los Angeles, California 90012

By: US Certified with Return Receipt, No. 9314 8699 0430 0100 3822 22 at October 10, 2022

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

Signature: Electronically signed by **[Michael Mann]** on October 10, 2022

Signed by: Michael Mann

Reference ID: 323PGCDQQ2B8
Stop Notice Ref. Number: 3ZKWNL26G2G7

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

Claimant

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

Prime Contractor

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

Surety

Requested

Property Owner (Owner)

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

Property:

County: Los Angeles County

Address: 345 East 51st Street, Los Angeles, California 90011

Project Name: South Park Child Care

Amount of Claim to be Released: \$71,750.00

Amount of Claim Still Due: \$0.00

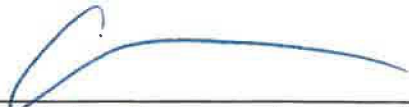
IMPORTANT INFORMATION AND SIGNATURES ON FOLLOWING PAGE

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 February 03, 2023.

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: February 03, 2023

State of Louisiana
County of Creole

On the following date, February 03, 2023, 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



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: South Park Child Care, 345 East 51st Street, Los Angeles, California 90011

Owner: LA City

Job Name (if any): South Park 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



DocuSign Envelope ID: 40dc78a89...
01/30/2023 17:15:23 UTC

Raider Painting Company
January 30, 2023