

# APPROVED

APR 06 2023

## BOARD OF RECREATION AND PARK COMMISSIONERS

**BOARD REPORT**

**NO.** 23-064

**DATE** April 06, 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 NOTICE AND RELEASE OF PAYMENT STOP NOTICE 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Approved   X                        Disapproved \_\_\_\_\_                      Withdrawn \_\_\_\_\_

### RECOMMENDATIONS

1. Direct staff to withhold the amounts claimed in the Stop Payment Notice against Pinner Construction Co., Inc., as detailed in this Report and as set forth in 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; and
2. Direct staff to release \$14,658.04 of the amounts withheld on Construction Contract No. 3645 with Pinner Construction Co., Inc. in accordance with the Release of Payment Stop Notice attached as Attachment 1 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 Payment Stop 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 Sections 8044, on the following contract:

Rancho Cienega Sports Complex Project- Phase 1 (PRJ20308) (PRJ21190) (W.O) # E1907694)	General Contractor:	Pinner Construction., Inc.
	Claimant:	Vomar Products Inc.
	Amount:	\$14,658.04

BOARD REPORT

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RELEASE OF PAYMENT STOP NOTICE:

RAP is in receipt of a Release of Payment Stop Notice by the claimant 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:  
Amount:

Vomar Products, Inc  
\$14,658.04

FISCAL IMPACT

Acceptance of the Stop Payment Notice and the Release of Payment Stop 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 Payment Stop Notice-Vomar Products, Inc.

**Stop Notice**  
**Legal Notice to Withhold Construction Funds**  
**Public or Private Works – California Civil Code Section 3103**

To Owner: CITY OF LOS ANGELES BOARD OF REC & PARK  
COMMISSIONERS CONTRACT #3645

To Lending Institution: N/A

YOU ARE HEREBY NOTIFIED that:

Claimant: Vomar Products, Inc who is located at 7800 Deering Ave.,  
Canoga Park, CA 91304

Has performed labor and/or furnished materials for a work of improvement located at:

RANCHO CIENEGA SPORTS COMPLEX (RCSC) PROJECT – PHASE 1  
5001 RODEO ROAD, LOS ANGELES, CA 90016

The labor and/or materials furnished by the claimant are of the following general kind:  
Signage and Installation

The labor and/or materials were furnished to/for the following party:  
PINNER CONSTRUCTION

Total value of the whole amount of labor and materials agreed to be furnished....100%

The value of the labor and materials furnished to date.....\$ 21,620.82

Claimant has been paid the sum of..... \$ 6,962.78

Due, owing and unpaid is the sum of..... \$ 14,658.04

**THIS IS INCLUDING THE OUTSTANDING CHANGE ORDER 2R1 IN THE AMOUNT OF**

**\$291.58**

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 fund for this project which are in your hands.

**VERIFICATION**

I, JASON VAN OSTRAND the undersigned, say: I am the VICE PRESIDENT (owner, president, authorized agent, partner, etc.) of the claimant named in the foregoing Stop Notice and am authorized to make this verification on its behalf. I have read the said Stop Notice and know the contents of the Stop Notice to be 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.

RECEIVED  
2/25/20

Executed on 2/17/22 at CANOGA PARK, California.

Signature

**Proof of Service of Stop Notice**

I, TINA HICKEY, declare that I served copies of the above stop notice on:

(Owner) CITY OF LOS ANGELES BOARD OF REC & PARK COMMISSIONERS  
221 N. FIGUEROA STREET, LOS ANGELES, CA 90012

(Lender)

By personally delivering a copy to Owner at \_\_\_\_\_

Lender at \_\_\_\_\_

By First Class Certified or Registered Mail service, postage prepaid, addressed to:

Owner at CITY OF LOS ANGELES BOARD OF REC & PARK COMMISSIONERS  
221 N. FIGUEROA STREET, LOS ANGELES CA 90012  
On FEBRUARY 17TH, 2022.

Lender at \_\_\_\_\_  
on \_\_\_\_\_, 20\_\_\_\_.

**Verification [CCP§ 446]**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, this 17<sup>TH</sup> day of FEBRUARY at CANOGA PARK, California.

Signature

*Tina Hickey*

RELEASE OF PAYMENT STOP NOTICE – PUBLIC WORKS

Civil Code §§ 8100, et seq., and 9350, et seq.

Claimant:

Name: VOMAR PRODUCTS, INC.
Address: 7800 DEERING AVE.
City: CANOGA PARK State: CA Zip: 91304

To Public Entity:

Name: CITY OF LOS ANGELES BOARD OF REC & PRK.
Address: 221 N. FIGUEROA STREET
City: LOS ANGELES State: CA Zip: 90012

The name of the person or firm to whom labor, materials and equipment are provided:

Name: PINNER CONSTRUCTION
Address: 1255 SOUTH LEWIS ST.
City: ANAHEIM State: CA Zip: 92805

To Direct Contractor or Reputed Direct Contractor:

Name: PINNER CONSTRUCTION
Address: 1255 SOUTH LEWIS ST.
City: ANAHEIM State: CA Zip: 92805

To Construction Lender or Reputed Construction Lender: (or Agency responsible for disbursing construction funds)

Name: N/A
Address:
City: State: Zip:

General description of the labor, service, equipment, or materials furnished or to be furnished and an estimate of the total price thereof:

Project Name: RANCHO CIENEGA SPORTS COMPLEX
Address: 5001 RODEO ROAD, LOS ANGELES, CA 90016
Site Description: SPORTS COMPLEX

RELEASE

The undersigned Claimant does hereby partially release from the effect of that certain Stop Payment Notice served on 2/17/22 (date) against the Public Entity, Direct Contractor, and/or Construction Lender as described above which at the time was in the amount of \$14,658.04

Dated: 3/11/22

By: Tina Hickey
Name/Title TINA HICKEY / BILLING ADMINISTRATOR

ACKNOWLEDGEMENT

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 ) ss.

On March 11, 2022 (date), before me, Virginia Gonzalez,

Notary Public, personally appeared Tina Hickey, 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 of Virginia Gonzalez
Name: Virginia Gonzalez, Notary Public

