

**APPROVED**  
**11-16-2016**  
**BOARD OF RECREATION  
AND PARK COMMISSIONERS**

BOARD REPORT

NO. 16-231

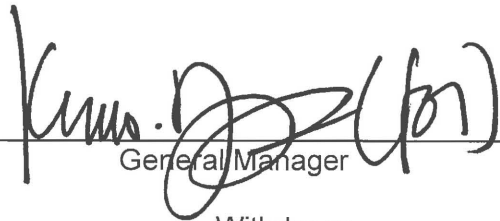
DATE November 16, 2016

C.D. 15

**BOARD OF RECREATION AND PARK COMMISSIONERS**

SUBJECT: 109<sup>TH</sup> STREET POOL AND BATHHOUSE REPLACEMENT  
PROJECT (PRJ1501P) (W.O. #E1906494) – ACCEPTANCE OF STOP  
PAYMENT NOTICE ON CONSTRUCTION CONTRACT NO. 3462

AP Diaz	_____	V. Israel	_____
*R. Barajas	<u>CEP</u>	K. Regan	_____
H. Fujita	_____	N. Williams	_____

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

Approved ✓ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATION

Direct Department of Recreation and Parks (RAP) staff to withhold the amounts claimed in the following Stop Payment Notice, 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.

STOP PAYMENT NOTICE

RAP is in receipt of a legal notice to withhold construction funds, pursuant to California Civil Code Section 8044 on the following contract:

Contract 3462            CD 15

109 <sup>th</sup> Street Pool And Bathhouse Replacement Project (PRJ1501P) (W.O. #E1906494)	General Contractor:	Simgel Company, Inc.
Construction Status: Construction	Claimant:	Robertson's
Project Impact: none	Amount:	\$15,451.20

FISCAL IMPACT STATEMENT

Acceptance of Stop Payment Notices has no impact on the RAP's General Fund.

This Report was prepared by Iris Davis, Commission Executive Assistant I.

LIST OF ATTACHMENTS

- 1) Stop Payment Notice filed by Robertson's

STOP PAYMENT NOTICE  
(California Civil Code Section 8044)

NOTICE TO: CITY OF L.A.  
1149 S. BROADWAY 8TH FL LOS ANGELES

BOARD OF RECREATION  
AND PARK COMMISSIONERS

2016 SEP 27 AM 10:17

(If Private Job-file with responsible officer or person at office or branch of construction lender administering the construction funds or with the owner-CIVIL CODE SECTIONS 8500-8560)  
(If Public Job-file with office of controller, auditor or other public disbursing officer whose duty it is to make payments under provisions of the contract-CIVIL CODE SECTIONS 9350-9510)

Direct Contractor: EMANUEL SASOONES  
Sub Contractor (If Any): SIMGEL CO.  
Owner or Public Body: CITY OF L.A.  
Improvement known as: 1431 E 109TH ST  
County of LOS ANGELES State of California.

Robertson's, Claimant, a Partnership, furnished certain labor service equipment, or materials used in the above described work of improvement. The name of the person or company to whom claimant furnished service, equipment, or materials is: SIMGEL CO.

The kind of materials furnished or agreed to be furnished by claimant was ready mix concrete, rock and/or sand materials.

Total value of labor, service, materials to be furnished.....\$	15,451.20
Total value of labor, service, materials actually furnished..\$	15,451.20
Credit for materials returned, if any.....\$	0.00
Amount paid on account, if any.....\$	0.00
Amount due after deducting all just credits and offsets....\$	15,451.20

YOU ARE HEREBY NOTIFIED to withhold sufficient monies held by you on the above described project to satisfy claimant's demand in the amount of \$ 15,451.20 and in addition thereto sums sufficient to cover interest, court costs and reasonable costs of litigation, as provided by law.

A bond (CIVIL CODE SECTION 8532) is/is not attached. (Bond required with Stop Payment Notice served on construction lenders on private jobs-bond not required on public jobs or on Stop Payment Notice served on owner on private job).

Name and address of Claimant:  
ROBERTSON'S, P.O. Box 3600, Corona, Ca. 92878 (951)685-2200

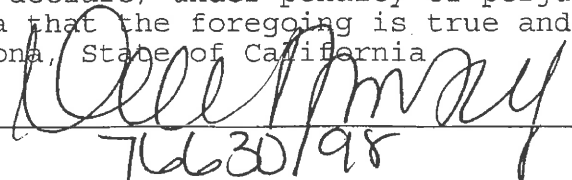
Dated: 09/14/16

By   
Authorized Agent

VERIFICATION

I, the undersigned, state: I am the agent of the claimant named in the foregoing Stop Payment Notice; I have read said claim 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 09/14/16 at Corona, State of California

Signature of Claimant/Agent

  
76630/98