

# JUST BRIEFLY



November 2010

## Upcoming Events

- December 1—Holiday Mixer and Casino night aboard the William D. Evans.
- December 7th—Industry Partner Council Meeting
- January 5, 2011—Membership Committee meeting at Pacific Southwest Structures
- January 12, 2011- ASA Annual Legal Update at The Butcher Shop

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## Mechanic's Lien Law Changes Effective January 2011

Important changes are coming to the Mechanic's Lien laws that will affect your business. A **NEW** Mechanic's Lien form and procedure will become effective **January 1, 2011**. Failing to file a proper Mechanic's Lien form and following proper procedure will prevent you from successfully utilizing this important Constitutional mechanism to recover payments owed to you.

Under the current law there is no requirement that a mechanic's lien claimants inform the property owner that it has recorded a mechanic's lien, this will change.

Three important changes that will go into effect on **January 1, 2011**:

**1. Service**—under the new law, mechanic's lien will have

to be served on the owner of the property at the time the mechanic's lien is recorded. If for some reason the owner cannot be served with the mechanic's lien then the original contractor or the lender can instead be served. This will provide you with an opportunity to have the owner on notice of your lien early on and allow a possibility of resolution of your claim before filing of a lawsuit.

**2. Form**—beginning **January 1, 2011**, you will need to utilize a new Mechanic's lien form. This form is amended to include "Notice of Mechanic's Lien" which provides a brief explanation of the nature of the mechanic's lien and what the property owner might do to address the situation.

**3. Notice of Pending Action**—under the new law,

where a lawsuit is filed to foreclose on the mechanic's lien a "Notice of Pending Action" must also be recorded within 20 days after the filing of the mechanic's lien foreclosure action. The Notice of Pending Action is intended to provide notice to potential property purchasers, lenders and others that a lawsuit has been filed in relation to the property and the property may be sold in foreclosure in order to pay the debt.

Please note that these changes will not be effective until January 1, 2011, until then please continue to use the Mechanic's Lien form and procedure you have been using.

Article submitted by Kevin Cauley of Schwartz Semerdjian Ballard & Cauley and ASA San Diego Chapter Attorney

## Contracting Opportunities with The Green Build

Learn firsthand insight from Airport Authority Representatives and Turner and Kiewit Joint Venture Contractor Liaisons on the new bidding process and best value selection criteria, as well as on how you can receive technical and bonding assistance to help your company pre-qualify.

Come market your company, get informed on the 50 bid packages over the next two months and take advantage of the matchmaking opportunities with over 250 primes expected to attend

During these tough economic times, job growth and prosperity start with small

business.

We encourage you to attend these events and acquire the tools available to grow.

For more information, please call Josie Calderon with JLC Consultants at (619) 475-8524.

## Industry Partner Council

The next meeting is scheduled for Dec 7th at 10 AM at McCarthy's offices located at 6165 Greenwich Dr. #340, San Diego, 92122. Proposed agenda items are:

- 1) Follow-up from previous meeting:
  - a) 3% Withholding tax
  - b) Apprentices on FAR / ARRA jobs
  - c) Standardized Pre-qual Forms
- 2) Textura: pros & cons
- 3) Questions to GCs:
  - a) Is your subcontract on your website for anyone to view?
  - b) Do you list upcoming projects on your website that available to bid?
  - c) Do you use Subguard?
  - d) How is yours or the lenders surety rating made available to your prequalified subs that want to check?
- 4) No retention on extra work.

Please David Blackston if you would like to submit a topic for consideration. As always, all Members are invited to attend and participate in the discussions. Thanks and hope to see you there.

Industry Partner Committee Chairman—David Blackston of D.A. Whitacre Construction, Inc.  
Phone (619) 444-4350 Ext. 125 / Fax (619) 444-4314 / Email: Davidb@dawhitacre.com

## Member Highlights

**Congratulations** to Pacific Southwest Structures for winning a Grand Orchid award for their project of the Conrady Prebys Music Hall at UCSD. They also won an Orchid for their work on UCSD Housing and Dining.

Hawthorne CAT for being named one of the 2010 Waste Reduction Award (WRAP) winners by the Department of Resources Recycling and Recovery (CalRecycle). To read their press release, click [HERE](#).

**Free Contract Podcast** of the Month: Defending Your mistakes, Not Others. In this 15 minute podcast Eric Travers Esq. of Ohio based firm Kegler Brown, Hill and Ritter discusses the dangers of Hold-harmless provision in a construction subcontract. Download now from [www.asaonline.com](http://www.asaonline.com)

**Congratulations** to DPR for winning an Orchid for their sustainable design on their new office building.

If you have any awards or press releases you would like to announce to the membership please submit them to Sharon Jones at [sharon@sandiegoasa.org](mailto:sharon@sandiegoasa.org).

**Congratulations** to

**We Build  
Relationships**

## Membership Committee

The membership committee's main goal this year is to rebuild our San Diego chapter membership. There have been many new developments in our membership committee. We are still looking for new committee members so if you are interested, please feel free to contact Sharon for details.

- Our membership drive is still in effect for this fiscal year – remember quarterly prizes for bringing in new members as well as the \$500 grand prize given at the awards banquet.
- We are developing new marketing materials for ASA San Diego
- Training procedure in the works to assist committee and general membership on promoting ASA, ie benefits and reasons to join ASA in 5 or less easy steps
- Our committee has set a personal goal of 10 new members in 30 days – Give us a hand and let us know if there is anyone you think we should contact.

For more information please contact Nicki Young, Chair at [nicki@areawestfence.com](mailto:nicki@areawestfence.com)





## ASA National Business Forum and Convention

The ASA Business Forum and Convention this March will truly offer the best of two worlds: warm, sandy Florida beaches, and ASA workshops and general sessions explaining the latest tools and techniques to help subcontractors find work, bid/negotiate contracts, close deals, and manage their businesses efficiently and profitably. ASA's flagship education and networking event for subcontractors, featuring two half-days (Thursday and Saturday) plus one full day (Friday) of education programming March 3-5, 2011, will take place at the Naples Beach Hotel and Golf Club in sunny Naples, Fla. The theme of the convention is "Revitalize and Renew." The convention's new, alternating half-day/full-day format will give registrants more networking and free time. Adding to the networking and education

experience, ASA sponsors and exhibitors will display the latest productivity-enhancing products and services at the ASA Expo. Subcontractors don't have to wait to start their convention networking. Log on to ASA's Facebook and LinkedIn Web pages, accessible via the ASA home page ([www.asaonline.com](http://www.asaonline.com)), to connect and communicate with others who will be attending the Naples convention.

The ASA Web site features a complete convention schedule, including educational sessions and special events. Click on "Register for an Event" to view the schedule and register through ASA's secure, online system, or call (703) 684-3450, Ext. 1304. Located in the heart of Old Naples, only 35 minutes from Southwest Florida International Airport (RSW), the beachfront Naples Beach

Hotel and Golf Club offers dozens of amenities, including on-site championship golf, a large beachside swimming pool, a complete fitness center, and a world-class luxury day spa. ASA has negotiated a discounted nightly room rate of \$219 (single/double) for rooms on the nights of March 1-5, and the hotel has waived its resort fee, which includes wireless Internet in guest rooms. Don't delay taking advantage of these special arrangements. The room block cutoff is Feb. 1. Call 1-800-237-7600 and ask for a room in the American Subcontractors Association room block, or reserve online at [www.asaonline.com](http://www.asaonline.com).

If you're ready to "Revitalize and Renew" in Naples, don't miss the ASA Business Forum and Convention 2011.

## ASA Fall Golf Classic Tournament

On November 1, 2010 at The San Diego Country Club ASA held its first annual fall golf classic.

Over 130 golfers enjoyed the beautiful and scenic private golf course. A special thanks to Ted Rossin of Rossin Steel for getting us on to the course. After a BBQ luncheon, it was a shotgun start at 11:30. The day ended in the country club for a

Italian and Mexican feast. There were over 40 raffle prizes that were given out. Mark your calendars for next year, November 7, 2011! A huge thank you to the committee for all their hard work::

Starley Lehman  
Frank Gerberding  
Terrie Lopez  
Frank Hilton

Toby MacDonald

Ted Rossin

Anne Wright

Richard Monaco

Kevin Cauley

The ASA Staff and committee would like to extend an extra thank you to our chair Ron Wood for all his time and effort.



## San Diego ASA Website's New Look

San Diego ASA's website has undergone a much needed cosmetic change. Please go to [www.sandiegoasa.org](http://www.sandiegoasa.org) to check it out.

Especially check out our event calendar for upcoming events and workshops.

## Committees

Committees are the lifeblood of membership organizations and much of ASA's work is accomplished as the result of the hard work and contributions by committee member and chairs. Their technical expertise, industry knowledge and leadership abilities have been instrumental in assisting ASA to achieve its goals. Please participate in your industry and volunteer for an ASA committee. All members and Industry Partners are welcome. To sign up please click [HERE](#)

**"Don't find  
fault, find a  
remedy"- Henry  
Ford**

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**We are on the Web!**  
**[www.sandiegoasa.org](http://www.sandiegoasa.org)**

## ***We Build Relationships***

The American Subcontractors Association –San Diego County Chapter – endeavors to educate the industry and the public by promoting programs, services and legislation to create an environment in which specialty contractors can operate more professionally and profitably.

Founded on September 12, 1990 The San Diego Chapter continues to serve its members and the subcontracting community by building relationships.

To get involved or to learn more about the association please contact Nancy Grimes, Executive Director.

*We Build  
Relationships*