

ENR Texas & Louisiana

Prompt Pay

Kidzania's U.S. Debut Involves \$8M Lien Filing By Turner Construction

Texas amusement center opened last November



A Kidzania that opened in Bangkok, Thailand in 2017. *Photo: Banej via [Wikimedia Commons](#).*

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Richard Korman

Turner Construction Co. and the architect for the first Kidzania children's amusement center in the U.S., which opened in Frisco, Texas, in November, say the company owes them more than \$8 million.

Turner's restated lien affidavit, filed with the Collin County clerk's office, sets the amount it is owed at \$8.24 million.

The project's architect also claims in a lien affidavit filed in December that Kidzania USA owes it \$469,000.

Five subcontractors and material suppliers to Turner also filed lien notices and affidavits for what they claim is unpaid work worth hundreds of thousands of dollars.

Turner's subcontracts, like those of most prime contractors, make payment to subcontractors contingent on payment from an owner.

Kidzania is currently completing its unusual, educationally-oriented attractions for children, some of which impressively feature a large sections of an airplane hull incorporated into the structure, at large retail centers in Oakbrook, Ill., and East Rutherford, N.J.

The lien-related filings involving the Frisco-based parent of Kidzania's U.S. franchise, Educity Park Frisco LLC, first became apparent on the website of [Levelset](#), a payment services software company that recently unveiled a pay practice rating system.

The Turner filing had been noted in a February newsletter distributed to members of the [Subcontractors Association of the Metroplex](#), whose members work in the Dallas area.

Educity Park "expects the liens to all be amicably resolved in the very near term," said a company spokeswoman in an email.

Educity Park's franchise was granted by the Mexico City-based parent company whose Kidzania centers have been built in 20 countries. Educity is the owner operator that contracted for the build-out in Frisco and provided financing for the Illinois and New Jersey projects, said the spokeswoman.

The spokeswoman declined to answer further questions or grant an interview.

Close-out payments for projects that involve long punchlists can drag out over lengthy periods of time. But it isn't clear if that is the case on this project or if the amount to be paid is being contested.

A media official for Turner Construction Co. could not be reached for comment.

Post-Pandemic Lien Surge

Spike Cutler, a Dallas-based attorney who represents many subcontractors in the area, said that there has been a crest in lien notices and claims in the weeks since the COVID-19 pandemic. Many companies, responding to the emergency, had simply stopped payments.

Texas has complicated multistep lien filing rules that "are protective of the owner," Cutler said.



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The lien-related notices and filings against Kidzania, whose filing dates range from December to March, are unusual in that the project architect, New York City-based Design Republic Partners, is also seeking payment. Company officials could not be reached for comment.

After Turner, one of the biggest filers of lien claims or notices is Dallas-based Mechanical Partners Inc., which says it is owed \$358,000 on a \$1.07 million contract. Company officials, in an informal statement, said being owed that amount for so many months had “hurt us badly by changing our financials” and that it had been “hard to get a straight answer” about the status of the payments.

“What needs to be stressed is that this shows the importance of reviewing an owner’s project funding” prior to beginning work, the company advised.

Other subcontractors claim they are owed significant amounts of money.

According to filings with the county clerk, All Commercial Floors, based in Grand Prairie, Texas, claims it is owed \$135,000. Lindsay Glass Systems, based in Denison, Texas, claims it is owed \$651,000.

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Deputy Editor Richard Korman, who has edited ENR's Risk Review newsletter since 2012, helps run ENR's business coverage, selects ENR's commentary and op-ed viewpoint submissions and oversees editorial content on ENR.com. He recently completed a fellowship on drone safety with the McGraw Center for Business Journalism at the Craig Newmark Graduate School of Journalism at CUNY. In 2015 he won the Timothy White Award from American Business Media for investigations of individual surety fraud and workplace bullying. Richard's freelance writing has appeared in the Seattle Times, the New York Times, Business Week and the websites of The Atlantic and Salon.com. He admires construction projects that finish on time and budget, pay before the earth completes its annual orbit of the sun, record zero injuries and assign risk to parties who control an activity or willingly finance the risk.

