1	EDNA GARCIA EARLEY, Bar No. 19566 STATE OF CALIFORNIA	51	
2	DEPARTMENT OF INDUSTRIAL RELATIONS DIVISION OF LABOR STANDARDS ENFORCEMENT 320 W. 4th Street, Suite 430		
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4	Los Angeles, California 90013 Telephone: (213) 897-1511 Facsimile: (213) 897-2877		
5	Facsimile: (213) 897-2877	0)	40
6	Attorney for the Labor Commissioner		
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8	DEFODE THE LAD	OD COMMISSIONED	
	BEFORE THE LABOR COMMISSIONER		
9	OF THE STATE OF CALIFORNIA		
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11	JAKE LOUIS FRANANO, RENEE I. FRANANO & MARK J. FRANANO	CASE NO. TAC 26301	
12	(PARENTS),	DETERMINATION OF CONTROVERSY	
13		CONTROVERSI	
14	Petitioner,	1 2	
15	vs.		
16			
17	JET SET ENTERPRISES, LLC; JET SET		4
18	WORLD, LLC,		
19.	Respondents.		
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21	The above-captioned matter, a Petition to Determine Controversy under Labor		
22	Code §1700.44, came on regularly for hearing on December 14, 2012, in Los Angeles,		
23	California, before the undersigned attorney for the Labor Commissioner assigned to hear		
24	this case. Petitioner RENEE I. FRANANO appeared on behalf of minor JAKE LOUIS		
25	FRANANO. Respondents JET SET ENTERPRISES, LLC and JET SET WORLD, LLC		
26	were properly served with the Petition but failed to appear.		

Based on the evidence presented at this hearing and on the other papers on file in this matter, the Labor Commissioner hereby adopts the following decision:

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FINDINGS OF FACT

- 1. Petitioners RENEE I. FRANANO and MARK J. FRANANO are the parents of minor, Petitioner JAKE LOUIS FRANANO, (hereinafter, "Petitioners").
- 2. The evidence establishes that Respondent JET SET WORLD, LLC also operates as JET SET ENTERPRISES, LLC (both collectively referred to as "Respondents"). Absent any evidence to the contrary, for purposes of this petition, they will be treated as the same entity. JET SET ENTERPRISES, LLC is a licensed talent agency currently operating under Talent Agency license number 105270.
- 3. In approximately May 11, 2011, Petitioners RENEE I. FRANANO and MARK J. FRANANO agreed to have Respondents act as a talent agent for their minor son, JAKE LOUIS FRANANO, in the entertainment industry.
- 4. On May 11, 2011 and May 13, 2011, Petitioner JAKE LOUIS FRANANO worked as a print model on a Carter's photo shoot for Porkchop Productions. Petitioner JAKE FRANANO earned \$300.00 on May 11 and \$175.00 on May 13 for a total of \$475.00 in earnings.
- 5. Petitioner RENEE I. FRANANO testified that several months after the job was completed, she contacted Porkchop Productions who informed her that payment for both jobs had been made to Respondents 120 days after the jobs were performed.
- 6. Petitioner RENEE I. FRANANO also testified that she contacted Respondents on several occasions requesting payment of her son's earnings on the Carter's photo shoot, to no avail.
- 7. On March 9, 2012, Petitioners filed the instant Petition to Determine Controversy seeking a total of \$475.00 for the work performed by Petitioner JAKE LOUIS FRANANO on May 11 and 13, 2011.

LEGAL ANALYSIS

- 1. Minor Petitioner JAKE LOUIS FRANANO is a model and therefore, is an "artist" within the meaning of Labor Code §1700.4(b).
- 2. Respondents are a licensed talent agency. Labor Code §1700.25(a) provides:
 - (a) A licensee who receives any payment of funds on behalf of an artist shall immediately deposit that amount in a trust fund account maintained by him or her in a bank or other recognized depository. The funds, less the licensee's commission, shall be disbursed to the artist within 30 days after receipt. However, notwithstanding the preceding sentence, the licensee may retain the funds beyond 30 days of receipt in either the following circumstances:
 - (1) To the extent necessary to offset an obligation of the artist to the talent agency that is then due and owing.
 - (2) When the funds are the subject of a controversy pending before the Labor Commissioner under Section 1700.44 concerning a fee alleged to be owed by the artist to the licensee.

The evidence presented establishes that Respondents received payment for print model work performed by Petitioner JAKE LOUIS FRANANO on a Carter's photo shoot for Porkchop Productions on May 11 and May 13, 2011.

3. Labor Code §1700.25(e) provides:

If the Labor Commissioner finds, in proceedings under Section 1700.44, that the licensee's failure to disburse funds to an artist within the time required by subdivision (a) was a willful violation, the Labor Commissioner may, in addition to other relief under Section 1700.44, order the following:

(2) Award interest to the prevailing artist on the

^{10%} interest is calculated from 30 days when payment should have been received to today's date. The evidence presented establishes that payment was sent to Respondents approximately 120 days after the job was completed on May 13, 2011. We add another 30 days under Labor Code §1700.25(a) which is the amount of time the talent agency has to pay the monies to the artist after it receives it from the third party production company/employer. Interest is therefore calculated on \$475.00 from October 13, 2011 for a total of \$63.90 in interest.

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STATE OF CALIFORNIA

COUNTY OF LOS ANGELES) ss

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is Division of Labor Standards Enforcement, Department of Industrial Relations, 320 West Fourth Street, Los Angeles, CA 90013.

On February 26, 2013, I served the foregoing document described as **DETERMINATION OF CONTROVERSY**, on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes, addressed as follows:

Mark J. Franano Renee I. Franano 28316 Houston Ct. Saugus, CA 91350

JET SET WORLD, LLC JET SET ENTERPRISES, LLC DWT California Inc., Registered Agent 865 S. Figueroa, Suite 2400 Los Angeles, CA 90017

Bryan McGinnis 1919 Pennsylvania Avenue NW Suite 800 Washington, DC 20006-3401

I am readily familiar with the firm's business practices of collection and processing of correspondence for mailing with the United States Postal Service and said correspondence is deposited with the United States Postal Service the same day with postage fully prepaid thereon, in the ordinary course of business.

Executed this 26th day of February, 2013, at Los Angeles, California, I declare under penalty of perjury that the foregoing is true and correct.

Lici Morales-Garcia