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STATE OF CALIFORNIA  
2 DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF LABOR STANDARDS ENFORCEMENT  
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7

8 **BEFORE THE LABOR COMMISSIONER**  
9 **OF THE STATE OF CALIFORNIA**

10  
11 KRISHNA and SETH JARET for  
HARMONY JARET, a Minor,

CASE NO. TAC 26936

**DETERMINATION OF  
CONTROVERSY**

12  
13 Petitioner,

14 vs.

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16 JET SET AGENCY, LLC; JET SET  
17 ENTERPRISES, LLC; and JET SET  
18 WORLD, LLC,

19 Respondents.  
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21 The above-captioned matter, a Petition to Determine Controversy under  
22 Labor Code §1700.44, came on regularly for hearing on October 17, 2012, in Los  
23 Angeles, California, before the undersigned attorney for the Labor Commissioner  
24 assigned to hear this case. Petitioner SETH JARET, on behalf of minor HARMONY  
25 JARET appeared in pro per. Respondents JET SET AGENCY, LLC, JET SET  
26 ENTERPRISES, LLC and JET SET WORLD, LLC were properly served with the  
27 Petition but failed to appear.

28 Based on the evidence presented at this hearing and on the other papers on

1 file in this matter, the Labor Commissioner hereby adopts the following decision:

2 **FINDINGS OF FACT**

3 1. Petitioners SETH JARET and KRISHNA JARET (hereinafter,  
4 "Petitioners"), are the parents of minor, HARMONY JARET and file this petition on her  
5 behalf.

6 2. The evidence established that Respondents JET SET AGENCY, LLC  
7 and JET SET WORLD, LLC, (collectively, referred to as "Respondents") operate as JET  
8 SET ENTERPRISES, LLC. Absent any evidence to the contrary, for purposes of this  
9 petition, they will be treated as the same entity. JET SET ENTERPRISES, LLC is a  
10 licensed talent agency currently operating under Talent Agency license number 105270.

11 3. In 2011, Petitioners agreed to have Respondents act as a talent agent  
12 for their minor daughter, HARMONY JARET, in the entertainment industry.

13 4. On September 12 and 13, 2011, minor HARMONY JARET worked  
14 as a model on a print ad for Zephyr Photo Productions and *Gymboree* earning \$1,600.00  
15 for both days.

16 5. Petitioner SETH JARET provided an invoice dated September 13,  
17 2011 (Invoice #20984) sent by Jet Set World, LLC to Kate Power Photo for this two day  
18 photo shoot billing \$1,600.00 for minor HARMONY JARET'S work.

19 6. Petitioner also provided a copy of check stub 3401 dated November  
20 2, 2011 from Kate Powers, Inc. to Jet Set World LLC in the amount of \$6,720.00  
21 referencing invoice #20984 which includes the \$1,600.00 earned by minor HARMONY  
22 JARET.

23 7. Despite Respondents having received payment for minor  
24 HARMONY JARET'S services performed on September 12 and 13, 2011, to date, they  
25 have not turned over the payment or any monies to Petitioners KRISHNA and SETH  
26 JARET or minor HARMONY JARET.

27 8. On April 12, 2012, Petitioners filed the instant Petition to Determine  
28 Controversy seeking a total of \$1,600.00 plus interest and costs of suit incurred

1 LEGAL ANALYSIS

2 1. Minor, HARMONY JARET is a model and therefore, is an "artist"  
3 within the meaning of Labor Code §1700.4(b).

4 2. Respondents are a licensed talent agency. Labor Code §1700.25(a)  
5 provides:

6 (a) A licensee who receives any payment of funds on  
7 behalf of an artist shall immediately deposit that  
8 amount in a trust fund account maintained by him or  
9 her in a bank or other recognized depository. The  
10 funds, less the licensee's commission, shall be  
11 disbursed to the artist within 30 days after receipt.  
12 However, notwithstanding the preceding sentence, the  
13 licensee may retain the funds beyond 30 days of receipt  
14 in either the following circumstances:

15 (1) To the extent necessary to offset an  
16 obligation of the artist to the talent agency that is  
17 then due and owing.

18 (2) When the funds are the subject of a  
19 controversy pending before the Labor  
20 Commissioner under Section 1700.44  
21 concerning a fee alleged to be owed by the artist  
22 to the licensee.

23 The evidence presented established that Respondents received payment for a print  
24 modeling job performed by minor HARMONY JARET for Zephyr Photo Productions on  
25 a *Gymboree* ad on September 12 and 13, 2011. The evidence shows that Respondents  
26 negotiated the payment but have failed to turn over any monies to minor HARMONY  
27 JARET or her parents.

28 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:

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(1) Award reasonable attorney's fees to the prevailing artist.


(2) Award interest to the prevailing artist on the funds wrongfully withheld at the rate of 10 percent per annum during the period of the violation.

Respondents' failure to pay Petitioners the outstanding monies owed constitutes a willful violation under Labor Code §1700.25(e). Respondents have failed to pay the amount owed to date. Accordingly, we award Petitioners \$1,600.00 plus \$154.74 in interest (calculated at 10 percent per annum from December 2, 2011<sup>1</sup> to the present) for a total of \$1,754.74. The Talent Agencies Act does not provide for an award of costs incurred in filing this petition. As such, Petitioners' request for reimbursement for costs incurred in hiring a process server, mileage, parking and time spent working on this case, is denied.

**ORDER**

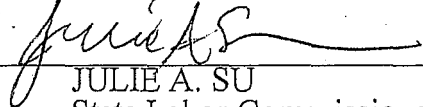
For the foregoing reasons, Petitioners KRISHNA and SETH JARET on behalf of minor, HARMONY JARET are entitled to collect \$1,754.74 from Respondents JET SET AGENCY, LLC, JET SET WORLD, LLC and JET SET ENTERPRISES, LLC.

DATED: November 27, 2012

Respectfully submitted,  
By:   
EDNA GARCIA EARLEY  
Attorneys for the Labor Commissioner

**ADOPTED AS THE DETERMINATION OF THE LABOR COMMISSIONER**

Dated: November 27, 2012

By:   
JULIE A. SU  
State Labor Commissioner

<sup>1</sup> December 2, 2011 is 30 days from the date payment was made to Respondents by third party production company, Kate Powers, Inc. on November 2, 2011.

