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STATE OF CALIFORNIA
2 DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS ENFORCEMENT
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5 Attorney for the Labor Commissioner
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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**

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14 Petitioner,

15 vs.

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

18 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:

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

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

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

23 3. Labor Code §1700.25(e) provides:

24 If the Labor Commissioner finds, in proceedings under
25 Section 1700.44, that the licensee's failure to disburse
26 funds to an artist within the time required by
27 subdivision (a) was a willful violation, the Labor
28 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, 2011¹ 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

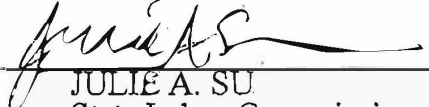
For the foregoing reasons, Petitioners KRISHNA and SETH JARET on behalf of minor, HARMONY JARET are entitled to collect \$1,754.74 from Respondents JET SET AGENCY, LLC, JET SET WORLD, LLC and JET SET ENTERPRISES, LLC.

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

¹ 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.

PROOF OF SERVICE

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 November 28, 2012, 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:

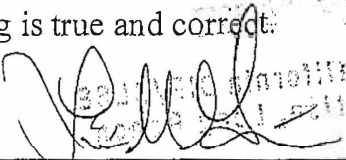
Krishna Jaret for
Harmony Jaret, a Minor
6973 Birdview Avenue
Malibu, CA 90265

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 28th day of November, 2012, at Los Angeles, California, I declare under penalty of perjury that the foregoing is true and correct.



Lici Morales-Garcia