

1 EDNA GARCIA EARLEY, Bar No. 195661  
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 JENNIFER LIPSCOMB for Minor  
DONOVAN LIPSCOMB,

12  
13 Petitioner,

14 vs.

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

18 Respondents.  
19

CASE NO. TAC 26365

**DETERMINATION OF  
CONTROVERSY**

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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 August 23, 2012 in Los Angeles,  
23 California, before the undersigned attorney for the Labor Commissioner assigned to hear  
24 this case. Petitioner JENNIFER LIPSCOMB for Minor DONOVAN LIPSCOMB,  
25 appeared in pro per. Respondents JET SET WORLD, LLC; JET SET ENTERPRISES,  
26 LLC were properly served with the Petition but failed to appear.

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

**FINDINGS OF FACT**

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2           1.     Petitioner JENNIFER LIPSCOMB (hereinafter, "Petitioner"), is the  
3 mother of minor, DONOVAN LIPSCOMB and files this petition on his behalf.

4           2.     Respondent JET SET ENTERPRISES, LLC was a licensed talent  
5 agency until September 1, 2011 operating under Talent Agency license number 105270.<sup>1</sup>  
6 Respondent JET SET WORLD, LLC has been licensed since January 14, 2011 and is  
7 currently licensed under Talent Agency license number 125972.

8           3.     In January, 2009, Petitioner agreed to have Respondents JET SET  
9 ENTERPRISES, LLC and JET SET WORLD, LLC, (hereinafter, collectively referred to  
10 as "Respondents") act as a talent agent for her minor son.

11           4.     Petitioner's minor child DONOVAN LIPSCOMB performed print  
12 jobs as a child model for which he has not been paid. Specifically, minor DONOVAN  
13 LIPSCOMB worked on July 26 and 27, 2011 on a *Gymboree* ad and earned \$800.00 per  
14 day. Minor DONOVAN LIPSCOMB also performed work on another print job for  
15 *Gymboree* on September 12 and 13, 2011, again earning \$800.00 per day.

16           5.     Petitioner provided a copy of Invoice 20930 from Jet Set World LLC  
17 sent to Kate Powers Photo for the work minor DONOVAN LIPSCOMB performed for  
18 *Gymboree* on July 26 and 27, 2011. Stapled to the invoice is a copy of check No. 3336  
19 dated October 12, 2011 from Kate Powers, Inc. sent to Jet Set Management Group for  
20 Invoice 20930.

21           6.     Petitioner also provided a copy of Invoice 20984 from Jet Set World  
22 LLC sent to Kate Powers Photo for the work minor DONOVAN LIPSCOMB performed  
23 for *Gymboree* on September 12 and 13, 2011. Stapled to this invoice is a copy of check  
24 No. 3401 dated November 2, 2011 from Kate Powers, Inc. sent to Jet Set World, LLC for  
25 Invoice 20984.

26 \_\_\_\_\_  
27 <sup>1</sup>The evidence established that licensed talent agency JET SET ENTERPRISES, LLC also  
28 operates as JET SET WORLD, LLC with the same principals and location. Absent any  
evidence to the contrary, for purposes of this petition, they will be treated as the same  
entity.



1 to Petitioner JENNIFER LIPSCOMB on behalf of her minor son, DONOVAN  
2 LIPSCOMB.

3 3. Labor Code §1700.25(e) provides:

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

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

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

16 Respondents' failure to pay Petitioner the outstanding monies owed constitutes a  
17 willful violation under Labor Code §1700.25(e). Respondents have failed to pay the  
18 amount owed to date. Accordingly, we award Petitioner \$3,200.00 plus \$271.78 in  
19 interest<sup>2</sup> for a total award of \$3,471.78

20 **ORDER**

21 For the foregoing reasons, Petitioner JENNIFER LIPSCOMB on behalf of  
22 minor, DONOVAN LIPSCOMB, is entitled to collect \$3,471.78 from Respondents JET  
23 SET ENTERPRISES, LLC and JET SET WORLD, LLC.

24 DATED: October 2, 2012

25 Respectfully submitted,

26 By:   
27 EDNA GARCIA EARLEY

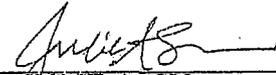
28 Attorneys for the Labor Commissioner

<sup>2</sup> The evidence establishes that on October 12, 2011, Respondents received \$1,600 for the print job minor DONOVAN LIPSCOMB performed for Gymboree on July 26 and 27, 2011. Since payment is required to be made within 30 days of receipt, per Labor Code §1700.25(a), interest is calculated on \$1,600 from November 12, 2011 to today's date of September 27, 2012 totaling \$140.27 (at 10% per annum). Likewise, the evidence establishes that on November 2, 2011, Respondents received \$1,600 for the print minor DONOVAN LIPSCOMB performed for Gymboree on September 26 and 27, 2011. Interest is therefore calculated from December 2, 2011 to today's date of September 27, 2012 totaling \$131.51 (at 10% per annum). Total interest for both jobs (4 days) totals \$271.78.

1 ADOPTED AS THE DETERMINATION OF THE LABOR COMMISSIONER

2 Dated: October 2, 2012

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By: 

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JULIE A. SU  
State Labor Commissioner

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