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6	Attorney for the Labor Commissioner		
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8	BEFORE THE LABOR COMMISSIONER		
9	OF THE STATE OF CALIFORNIA		
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. 11	JENNIFER LIPSCOMB for Minor DONOVAN LIPSCOMB,	CASE NO. TAC 26365	
12	DOIG VAR LI SCORD,	DETERMINATION OF CONTROVERSY	
13	Petitioner,		
14	VS.		
15	Y3.		
16	IET SET WORLD LLC: JET SET		
17	JET SET WORLD, LLC; JET SET ENTERPRISES, LLC,		
18	Respondents.		
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20	The above-captioned matter, a	Petition to Determine Controversy under	
21	Labor Code §1700.44, came on regularly for hearing on August 23, 2012 in Los Angeles, California, before the undersigned attorney for the Labor Commissioner assigned to hear this case. Petitioner JENNIFER LIPSCOMB for Minor DONOVAN LIPSCOMB, appeared in pro per. Respondents JET SET WORLD, LLC; JET SET ENTERPRISES, LLC were properly served with the Petition but failed to appear. Based on the evidence presented at this hearing and on the other papers on		
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27	ereby adopts the following decision:		
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## FINDINGS OF FACT

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

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1	7. Petitioner testified that she has not received payment for her son for		
2	these two 2-day print jobs performed for Gymboree despite Respondents having received		
- 3	payment for the work.		
4	8. Petitioner filed the instant Petition to Determine Controversy on		
5	February 22, 2012 seeking a total of \$3,200 for the print jobs that her minor son		
6	performed for Gymboree on July 26 and 27 and September 12 and 13, 2011 which were		
7	procured by Respondents.		
8	LEGAL ANALYSIS		
9.	1. Minor, DONOVAN LIPSCOMB is a model and therefore, is an		
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11	2. Respondents are a licensed talent agency. Labor Code §1700.25(a)		
12	providés:		
13	(a) A licensee who receives any payment of funds on		
1.4	behalf of an artist shall immediately deposit that		
15	amount in a trust fund account maintained by him or her in a bank or other recognized depository. The		
16	funds, less the licensee's commission, shall be disbursed to the artist within 30 days after receipt.		
.17	However, notwithstanding the preceding sentence, the		
- 18	licensee may retain the funds beyond 30 days of receipt in either the following circumstances:		
19	(1) To the extent necessary to offset an		
,20	obligation of the artist to the talent agency that is		
21	then due and owing.		
22	(2) When the funds are the subject of a controversy pending before the Labor		
23	Commissioner under Section 1700.44		
24	concerning a fee alleged to be owed by the artist to the licensee.		
25	The evidence presented establishes that Respondents received payments totaling		
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	1	<ol> <li>to Petitioner JENNIFER LIPSCOMB on behalf of her minor son, DONOVAN</li> <li>LIPSCOMB.</li> </ol>		
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	3	3. Labor Code §1700.25(e) provides:		
	4	If the Labor Commissioner finds, in proceedings under Section 1700.44, that the licensee's failure to disburse funds, to on artist, within the time, required, but		
	6 7	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:		
	8 9	(1) Award reasonable attorney's fees to the prevailing artist.		
	10 11 12	(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.		
	13	Respondents' failure to pay Petitioner the outstanding monies owed constitutes a		
	-14	willful violation under Labor Code §1700.25(e). Respondents have failed to pay the		
	15	amount owed to date. Accordingly, we award Petitioner \$3,200.00 plus \$271.78 in		
	16 17	interest <sup>2</sup> for a total award of \$3,471.78 ORDER		
•		For the foregoing reasons, Petitioner JENNIFER LIPSCOMB on behalf of		
	18	minor, DONOVAN LIPSCOMB, is entitled to collect \$3,471.78 from Respondents JET		
	19 20	SET ENTERPRISES, LLC and JET SET WORLD, LLC.		
	20	DATED: October 2, 2012 Respectfully submitted,		
	22	By: KON MANALLELA EDNA GARCIA EARLEY		
	23	Attorneys for the Labor Commissioner		
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	25	<sup>2</sup> The evidence establishes that on October 12, 2011, Respondents received \$1,600 for the print job minor		
	26	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		
	27			
		Gymboree on September 26 and 27, 2011. Interest is therefore calculated from December 2, 2011 to today's date of September 27, 2010 totaling \$131.51 (at 10% per annum). Total interest for both jobs (4 days) totals \$271.78.		
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DETERMINATION OF CONTROVERSY – TAC 26365

ADOPTED AS THE DETERMINATION OF THE LABOR COMMISSIONER Dated: October 2, 2012 By: S Istate Labor Commissioner 1.8 19. DETERMINATION OF CONTROVERSY - TAC 26365

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