

1 EDNA GARCIA EARLEY, Bar No. 195661
2 STATE OF CALIFORNIA
3 DEPARTMENT OF INDUSTRIAL RELATIONS
4 DIVISION OF LABOR STANDARDS ENFORCEMENT
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6 Los Angeles, California 90013
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9 Attorney for the Labor Commissioner

10
11 **BEFORE THE LABOR COMMISSIONER**
12 **OF THE STATE OF CALIFORNIA**

13 SHANNON S. BOTTS for DAVID
14 BOTTS, a minor,

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Petitioner,

vs.

JET SET WORLD, LLC; JET SET
ENTERPRISES, LLC,

Respondents.

CASE NO. TAC 27708

**DETERMINATION OF
CONTROVERSY**

The above-captioned matter, a Petition to Determine Controversy under 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 SHANNON S. BOTTS for DAVID BOTTS, a minor, appeared in pro per. Respondents JET SET WORLD, LLC and 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 file in this matter, the Labor Commissioner hereby adopts the following decision:

1 FINDINGS OF FACT

2 1. Petitioner SHANNON S. BOTTS (hereinafter, "Petitioner"), is the
3 mother of minor, DAVID BOTTS 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 105270.¹
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 November 2011, 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. On November 10 and 11, 2011, Petitioner's minor son, DAVID
12 BOTTS, performed work as a model for *The Children's Place* earning \$300.00 on the first
13 day and \$770.00 on the second day for total earnings in the amount of \$1,070.00.

14 5. Petitioner provided a copy of her written contract with Respondents
15 dated November 17, 2011 and granting Respondents the authority to collect and receive
16 all sums payable to her minor son, DAVID BOTTS.

17 6. Petitioner testified that she has not received payment for her son for
18 the November 10-11, 2011 print job he performed for *The Children's Place* despite
19 learning that payments were made to Respondents by *The Children's Place* approximately
20 1 month after her son completed the two-day job. Petitioner also testified that she called
21 and emailed Respondents numerous times to inquire about the payments, to no avail.
22 Petitioner provided copies of emails sent to Respondents.

23 7. Petitioner filed the instant Petition to Determine Controversy on June
24 28, 2012 seeking a total of \$1,070.00 for the print job that her minor son performed on
25 November 10-11, 2011 for *The Children's Place* for which he has not been paid.

26 ///

27 ¹ The evidence established that licensed talent agency JET SET ENTERPRISES, LLC also operates as JET
28 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.

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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 Petitioner 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 Petitioner \$1,070.00 plus \$76.22 in interest (calculated at 10 percent per annum from January 11, 2012² to the present) for a total award of \$1,146.22.

ORDER

For the foregoing reasons, Petitioner SHANNON S. BOTTS on behalf of minor, DAVID BOTTS, is entitled to collect \$1,146.22 from Respondents JET SET ENTERPRISES, LLC and JET SET WORLD, LLC.

DATED: October 2, 2012

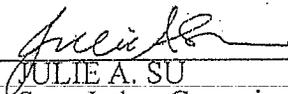
Respectfully submitted,

By: 
EDNA GARCIA EARLEY

Attorneys for the Labor Commissioner

ADOPTED AS THE DETERMINATION OF THE LABOR COMMISSIONER

Dated: October 2, 2012

By: 
JULIE A. SU
State Labor Commissioner

² December 11, 2011 is the approximate date Respondents should have received payment from *The Children's Place*. Respondents then had 30 days (until January 11, 2012 under Labor Code §1700.25(a) to turn over the earnings to Petitioner. Interest is therefore calculated from January 11, 2012 to the date of this decision, September 27, 2012.

