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STATE OF CALIFORNIA
2 DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS ENFORCEMENT
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8 BEFORE THE LABOR COMMISSIONER
9 OF THE STATE OF CALIFORNIA
10

11 JENNIFER SHELTON-FRATES,

CASE NO. TAC 8521

**DETERMINATION OF
CONTROVERSY**

12
13 Petitioner,

14 vs.

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16 CONAN CARROLL, an individual;
CONAN CARROLL & ASSOCIATES, A
17 Talent Agency,

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 January 29, 2009 in Los Angeles,
22 California, before the undersigned attorney for the Labor Commissioner assigned to hear
23 this case. Petitioner JENNIFER SHELTON-FRATES ("Petitioner") appeared in pro per.
24 Respondent CONAN CARROLL, an individual; CONAN CARROLL & ASSOCIATES,
25 A Talent Agency, (hereinafter, collectively referred to as "Respondent"), was served with
26 the Petition to Determine Controversy on or about August 7, 2008, but failed to appear.
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1 of funds on behalf of their client artists, shall disburse such funds, less the agent's
2 commission, within 30 days after receipt. The undisputed evidence that was presented in
3 this case establishes that Respondent failed to disburse \$1,288.00 in funds collected on
4 behalf of Petitioner to her within 30 days of receipt, as required under Labor Code
5 §1700.25(a), or anytime thereafter. Accordingly, Petitioner is entitled to \$1,288.00 less
6 Respondent's 10% commission (\$155.61) for a total of \$1,132.39.

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9 5. The evidence presented also establishes that Petitioner attempted on at least
10 20 separate occasions to collect the unpaid funds from Respondent, to no avail. Labor
11 Code §1700.25(e) provides:

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13 If the Labor Commissioner finds, in proceedings under
14 Section 1700.44, that the licensee's failure to disburse
15 funds to an artist within the time required by
16 subdivision (a) was a willful violation, the Labor
17 Commissioner may, in addition to other relief under
18 Section 1700.44, order the following: (1) Award
19 reasonable attorney's fees to the prevailing artist. (2)
20 Award interest to the prevailing artist on the funds
21 wrongfully withheld at the rate of 10 percent per annum
22 during the period of the violation.

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25 The undisputed evidence presented establishes that Respondent issued at least one check
26 to Petitioner without sufficient funds and then failed to reissue a replacement check.

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28 Additionally, the evidence establishes that Respondent collected \$1,288.00 in funds meant

1 for Petitioner and retained those funds without regard for Petitioner. Accordingly, we find
2 that Respondent willfully violated Labor Code §1700.25(a) and therefore, award \$225.00
3 in reasonable attorney's fees, which amount is supported by a Declaration submitted by
4 Attorney Michael Shelton-Frates.
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6 We also award interest on the unpaid earnings pursuant to Labor Code
7 §1700.25(e). Interest on the unpaid earnings is calculated at 10% per annum from the day
8 the payment was due to Petitioner by Respondent, (30 days after check received), to
9 today's date. The total amount of interest due on the unpaid earnings is \$137.42 and is
10 broken down as follows:
11

12	13	14	15	16
Check Amount	Check Date	30 Days – Payment DUE to Petitioner	Total Interest (Calculated at 10% from Check date to 4/3/2009)	
\$493.68	2/15/2008	3/16/2008	\$51.80	
\$300.65	2/25/2008	3/24/2008	\$30.89	
\$45.26	1/28/2008	2/27/2008	\$4.97	
\$448.41	1/24/2008	2/23/2008	\$49.76	
TOTAL			\$137.42	

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21 6. Lastly, we find that Petitioner is entitled to recover from the \$50,000 bond
22 posted by Respondent with the Labor Commissioner as a condition of being licensed as a
23 talent agent.
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25 ORDER

26 For the reasons set forth above, IT IS HEREBY ORDERED that Petitioner
27 JENNIFER SHELTON-FRATES is entitled to collect \$1,494.81 from Respondent
28

1 CONAN CARROLL, an individual; CONAN CARROLL & ASSOCIATES, A Talent
2 Agency. This award is broken down as follows:

- 3
- 4 1. Unpaid Earnings in the total sum of \$1,132.39;
 - 5 2. Interest on the unpaid earnings pursuant to Labor Code §1700.25(e),
6 calculated at 10% per annum from the date the earnings were due to be paid to Petitioner
7 under Labor Code §1700.25(a) until today's date, April 3, 2009, for a total of \$137.42;
 - 8 3. Reasonable Attorney's Fees in the sum of \$225.00 pursuant to Labor Code
9 §1700.25(e).
 - 10 4. Petitioner is also entitled to recover the total sum of \$1,494.81 from the
11 \$50,000 bond posted by Respondent with the Labor Commissioner as a condition of being
12 licensed as a talent agent.
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15 DATED: April 3, 2009

Respectfully submitted,

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18 By: Edna Garcia Earley
EDNA GARCIA EARLEY
19 Attorneys for the Labor Commissioner
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22 ADOPTED AS THE DETERMINATION OF THE LABOR COMMISSIONER
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25 Dated: April 7 2009 By: Angela Bradstreet
26 ANGELO BRADSTREET
State Labor Commissioner
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