1 2	EDNA GARCIA EARLEY, Bar No. 19566 STATE OF CALIFORNIA DEPARTMENT OF INDUSTRIAL RELA			
2	DIVISION OF LABOR STANDARDS EN			
	320 W. 4th Street, Suite 430 Los Angeles, California 90013			
4	Telephone: (213) 897-1511 Facsimile: (213) 897-2877		4	
5	Attorney for the Labor Commissioner			
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7			ir u	
8	BEFORE THE LABOR COMMISSIONER			
9	OF THE STATE OF CALIFORNIA			
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11	JAKE LOUIS FRANANO, RENEE I.	CASE NO. TAC 26301		
12	FRANANO & MARK J. FRANANO (PARENTS),	DETERMINATION OF CONTROVERSY		
13	and the second sec			
14	Petitioner,		- 1	
15	VS.			
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17	JET SET ENTERPRISES, LLC; JET SET WORLD, LLC,		4	
18	Respondents.		r.	
.19.				
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21	The above-captioned matter, a Petition to Determine Controversy under Labor			
22	Code §1700.44, came on regularly for hearing on December 14, 2012, in Los Angeles,			
23	California, before the undersigned attorney for the Labor Commissioner assigned to hear			
24	this case. Petitioner RENEE I. FRANANO appeared on behalf of minor JAKE LOUIS			
25	FRANANO. Respondents JET SET ENTERPRISES, LLC and JET SET WORLD, LLC			
26	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 file in			
28	this matter, the Labor Commissioner hereby adopts the following decision:			
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DETERMINATION OF CONTROVERSY - TAC 26301

## FINDINGS OF FACT

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1	<u>ALLONIOS OF ACT</u>			
2	- 1. Petitioners RENEE I. FRANANO and MARK J. FRANANO are the			
.3	parents of minor, Petitioner JAKE LOUIS FRANANO, (hereinafter, "Petitioners").			
4	2. The evidence establishes that Respondent JET SET WORLD, LLC			
5	also operates as JET SET ENTERPRISES, LLC (both collectively referred to as			
6	"Respondents"). Absent any evidence to the contrary, for purposes of this petition, they			
7	will be treated as the same entity. JET SET ENTERPRISES, LLC is a licensed talent			
8	agency currently operating under Talent Agency license number 105270.			
9	3. In approximately May 11, 2011, Petitioners RENEE I. FRANANO			
10	and MARK J. FRANANO agreed to have Respondents act as a talent agent for their			
11	minor son, JAKE LOUIS FRANANO, in the entertainment industry.			
12	4. On May 11, 2011 and May 13, 2011, Petitioner JAKE LOUIS			
13	FRANANO worked as a print model on a Carter's photo shoot for Porkchop Productions.			
14	Petitioner JAKE FRANANO earned \$300.00 on May 11 and \$175.00 on May 13 for a			
15	total of \$475.00 in earnings.			
16	5. Petitioner RENEE I. FRANANO testified that several months after			
17	the job was completed, she contacted Porkchop Productions who informed her that			
18	payment for both jobs had been made to Respondents 120 days after the jobs were			
19	performed.			
20	6. Petitioner RENEE I. FRANANO also testified that she contacted			
21	Respondents on several occasions requesting payment of her son's earnings on the			
22	Carter's photo shoot, to no avail.			
23	7. On March 9, 2012, Petitioners filed the instant Petition to Determine			
24	Controversy seeking a total of \$475.00 for the work performed by Petitioner JAKE			
25	LOUIS FRANANO on May 11 and 13, 2011.			
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LEGAL ANALYSIS	-		
1. Minor Petitioner JAKE LOUIS FRANANO is a model and therefore,			
is an "artist" within the meaning of Labor Code §1700.4(b).			
2. Respondents are a licensed talent agency. Lab	2. Respondents are a licensed talent agency. Labor Code §1700.25(a)		
provides:			
(a) A licensee who receives one neument of	funda an		
	behalf of an artist shall immediately deposit that		
amount in a trust fund account maintained by him or her in a bank or other recognized depository. The			
funds, less the licensee's commission,	funds, less the licensee's commission, shall be		
disbursed to the artist <u>within 30 days after receipt</u> . However, notwithstanding the preceding sentence, the			
licensee may retain the funds beyond 30 days of receipt			
in either the following circumstances:			
(1) To the extent necessary to c			
then due end ending	icy mat is		
	ect of a		
controversy pending before the	Labor		
concerning a fee alleged to be owed by	1700.44 <sup>°</sup> the artist		
to the needsee,	1.41		
The original presented establishes that Despendents receive	d normant for print		
3. Labor Code §1/00.25(e) provides:	- (		
If the Labor Commissioner finds, in proceedin Section 1700 44, that the licensee's failure to	0		
funds to an artist within the time required by subdivision (a) was a willful violation, the Labor			
			Section 1700.44, order the following:
(2) Award interest to the prevailing arti	st on the		
-3			
	<ol> <li>Respondents are a licensed talent agency. Lab provides:         <ul> <li>(a) A licensee who receives any payment of behalf of an artist shall immediately deg amount in a trust fund account maintained b her in a bank or other recognized deposite funds, less the licensee's commission, disbursed to the artist within 30 days after However, notwithstanding the preceding semilicensee may retain the funds beyond 30 days in either the following circumstances:</li></ul></li></ol>		

funds wrongfully withheld at the rate of 10 percent per annum during the period of the violation.

3 Respondents' failure to pay Petitioners the outstanding monies owed constitutes a 4 willful violation under Labor Code §1700.25(e). Respondents have failed to pay the 5 amount owed to date. Accordingly, we award Petitioners \$475.00 plus \$63.90 in interest<sup>1</sup> 6 for a total of \$538.90.

## ORDER

For the foregoing reasons, Petitioners RENEE I. FRANANO and MARK J. 8 FRANANO on behalf of their minor son, Petitioner JAKE LOUIS FRANANO, are 9 entitled to collect \$538.90 from Respondents JET SET ENTERPRISES, LLC and JET 10 SET WORLD. LLC.

DATED: February 26, 2013 12

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Respectfully submitted

Attorneys for the Labor Commissioner

ADOPTED AS THE DETERMINATION OF THE LABOR COMMISSIONER 15

Dated: February 26, 2013

By: tate Labor Commissioner

21 22 23 24 25 26 <sup>1</sup> 10% interest is calculated from 30 days when payment should have been received to today's date. The evidence presented establishes that payment was sent to Respondents approximately 120 days after the job was completed on 27 May 13, 2011. We add another 30 days under Labor Code §1700.25(a) which is the amount of time the talent agency has to pay the monies to the artist after it receives it from the third party production company/employer. Interest is 28 therefore calculated on \$475.00 from October 13, 2011 for a total of \$63.90 in interest.

DETERMINATION OF CONTROVERSY - TAC 26301

## PROOF OF SERVICE

2 STATE OF CALIFORNIA

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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 February 26, 2013, 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:

Mark J. Franano Renee I. Franano
28316 Houston Ct. Saugus, CA 91350

JET SET WORLD, LLC JET SET ENTERPRISES, LLC DWT California Inc., Registered Agent 865 S. Figueroa, Suite 2400 Los Angeles, CA 90017

Bryan McGinnis
17 1919 Pennsylvania Avenue NW
Suite 800
18 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 26th day of February, 2013, at Los Angeles, California, I declare under penalty of perjury that the foregoing is true and correct.

Lici Morales-Garcia