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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 SUMMER ORTIZ for SIENNA
PEDERSEN, A Minor,

12
13 Petitioner,

14 vs.

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

18 Respondents.
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CASE NO. TAC 28573

**DETERMINATION OF
CONTROVERSY**

20 The above-captioned matter, a Petition to Determine Controversy under
21 Labor Code §1700.44, came on regularly for hearing on April 22, 2013 in Los Angeles,
22 California, before the undersigned attorney for the Labor Commissioner assigned to hear
23 this case. Petitioner SUMMER ORTIZ for SIENNA PEDERSEN, A Minor, appeared in
24 pro per. Respondents JET SET WORLD, LLC and JET SET ENTERPRISES, LLC were
25 properly served with the Petition but failed to appear.

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

1 **FINDINGS OF FACT**

2 1. Petitioner SUMMER ORTIZ, (hereinafter, "Petitioner"), is the
3 mother of minor, SIENNA PEDERSEN and files this petition on her behalf.

4 2. Respondents JET SET ENTERPRISES, LLC and JET SET WORLD,
5 LLC, (hereinafter, referred to as Respondents"), were licensed talent agencies during the
6 relevant claim period and were operating under Talent Agency license number 105270.¹

7 3. In March, 2011, Petitioner agreed to have Respondents act as a talent
8 agent for her minor daughter SIENNA PEDERSEN in exchange for a 20% commission.

9 4. On August 1, 2011, minor SIENNA PEDERSEN worked as a model
10 on a print job for a *Seasons Ltd.* (Halloween Costumes) catalog, which was booked by
11 Respondents. Petitioner provided an invoice for this job showing \$531.25 earned and
12 owed to minor SIENNA PEDERSEN for this job.

13 5. On October 20-21, 2011, minor SIENNA PEDERSEN worked as a
14 model on a print job for a company called *GGP* earning \$1,650.00 (\$750 per day x 2 days
15 + \$150 for fitting). Petitioner testified this job was also procured by Respondents.

16 6. Petitioner testified she never received the aforementioned payments
17 from Respondents, who received them directly from *Seasons Ltd.* and *GGP*, despite
18 making numerous phone calls and sending 4-5 emails requesting payment.

19 7. Petitioner filed this petition on August 27, 2012 seeking payment of
20 \$2,181.25 plus interest.

21 **LEGAL ANALYSIS**

22 1. Minor, SIENNA PEDERSEN is a model and therefore, is an "artist"
23 within the meaning of Labor Code §1700.4(b).

24 2. Respondents were licensed talent agencies during the claim period.

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27 ¹ The evidence established that licensed talent agency JET SET ENTERPRISES, LLC also
28 operates as JET SET WORLD, LLC. Absent any evidence to the contrary, for purposes of
this petition, they will be treated as the same entity.

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3. Labor Code §1700.25(a) provides:

(a) A licensee who receives any payment of funds on 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, shall be disbursed to the artist **within 30 days after receipt.** 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 offset an obligation of the artist to the talent agency that is then due and owing.

(2) When the funds are the subject of a controversy pending before the Labor Commissioner under Section 1700.44 concerning a fee alleged to be owed by the artist to the licensee.

The evidence presented establishes that Respondents received payment for the print jobs at *Seasons Ltd.* and *GGP* totaling \$2,181.25 on behalf of minor SIENNA PEDERSEN approximately 30 days after the photo shoots and failed to turn over the monies to Petitioner SIENNA PEDERSEN.

3. Labor Code §1700.25(e) provides:

If the Labor Commissioner finds, in proceedings under Section 1700.44, that the licensee's failure to disburse 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:

(1) Award reasonable attorney's fees to the 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.

1 Respondents' failure to pay Petitioner the outstanding monies owed constitutes a
2 willful violation under Labor Code §1700.25(e). Respondents have failed to pay the
3 amount owed to date. Accordingly, we award Petitioner \$2,181.25 plus \$358.99 in interest
4 (calculated at 10 percent per annum from 60 days after the date of the photo shoots)¹ for a
5 total of **\$2,540.24**.

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7 **ORDER**

8 For the foregoing reasons, Petitioner SUMMER ORTIZ for SIENNA
9 PEDERSEN, A Minor, is entitled to collect **\$2,540.24** from Respondents JET SET
10 WORLD, LLC and JET SET ENTERPRISES, LLC.

11 DATED: 7/26/13

Respectfully submitted,

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13 By:

EDNA GARCIA EARLEY

Attorney for the Labor Commissioner

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15 **ADOPTED AS THE DETERMINATION OF THE LABOR COMMISSIONER**

16 Dated: 7/26/13

17
18 By:

JULIE A. SU

State Labor Commissioner

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23 ¹ The evidence establishes that on approximately September 1, 2011, 30 days after the August 1,
24 2011 photo shoot, Respondents received \$531.25 for the print job minor SIENNA PEDERSEN
25 performed for *Seasons Ltd.* Since payment is required to be made within 30 days of receipt, per
26 Labor Code §1700.25(a), interest is calculated on \$531.25 from October 1, 2011 to today's date
27 of July 24, 2013 totaling \$96.35 (at 10% per annum). Likewise, the evidence establishes that on
28 November 21, 2011, Respondents received \$1,650.00 for the print job minor SIENNA
PEDERSEN performed for *GGP* on October 20 and 21, 2011. Interest is therefore calculated
from December 21, 2011 to today's date of July 24, 2013 totaling \$262.64 (at 10% per annum).
Interest for both jobs totals **\$358.99**.

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PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is DIVISION OF LABOR STANDARDS ENFORCEMENT, Department of Industrial Relations, 320 W. 4th Street, Suite 430, Los Angeles, CA 90013.

On July 10, 2013 I served the following document described as:

DETERMINATION OF CONTROVERSY

on the interested parties in this action [TAC 28573] by placing

the originals

a true copy thereof enclosed in a sealed envelope addressed as follows:

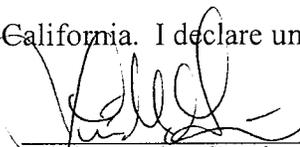
Summer Ortiz
for Ebin Pedersen, a Minor
11965 Palo Alto, Street
Rancho Cucamonga, CA 91739-9777

Jet Set World, LLC
Jet Set Enterprises, LLC
865 South Figueroa Street, Suite 2400
Los Angeles, CA 90017

BY MAIL I deposited such envelope in the United States Mail at Los Angeles, California, postage prepaid.

BY MAIL I am readily familiar with the firm's business practice 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.

Executed on July 10, 2013 at Los Angeles, California. I declare under penalty of perjury the foregoing is true and correct.



Lici Morales Garcia