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8 **BEFORE THE LABOR COMMISSIONER**
9 **OF THE STATE OF CALIFORNIA**

10
11 SUMMER ORTIZ for EBIN PEDERSEN,
A Minor,

CASE NO. TAC 28574

**DETERMINATION OF
CONTROVERSY**

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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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 EBIN PEDERSEN, A Minor, appeared in pro
24 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:
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FINDINGS OF FACT

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2 1. Petitioner SUMMER ORTIZ, (hereinafter, “Petitioner”), is the
3 mother of minor, EBIN PEDERSEN and files this petition on his 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 son EBIN PEDERSEN in exchange for a 20% commission.

9 4. On August 1-3, 2011, minor EBIN PEDERSEN worked as a model
10 on a print job for *Nuvaring* , which was booked by Respondents. Petitioner provided a
11 casting sheet for this job showing \$900.00 (\$300 per day) earned and owed to minor
12 EBIN PEDERSEN.

13 5. Petitioner testified she contacted Respondent for payment, to no
14 avail. On August 27, 2012, Petitioner filed the instant petition seeking \$900.00 in unpaid
15 earnings for her minor son, EBIN PEDERSEN.

16 6. Subsequent to filing this petition, Petitioner contacted Vegar
17 Abelsnes Photography, LLC, who was involved in the photo shoot. Petitioner was
18 informed by this company they had paid Respondent on or about September 24, 2011 for
19 Petitioner’s minor son’s work. Upon being informed that Petitioner had not received this
20 payment from Respondents, in order to avoid any type of liability, on March 20, 2013,
21 Vegar Abelsnes Photography, LLC issued check number 2047, payable to EBIN
22 PEDERSEN for \$900.00. Accordingly, Petitioner seeks only the interest due from
23 Respondents from the date payment should have been made to her by Respondents to the
24 date it was made by third party, Vegar Abelsnes Photography, LLC.

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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.

1 **LEGAL ANALYSIS**

2 1. Minor, EBIN PEDERSEN is a model and therefore, is an “artist”
3 within the meaning of Labor Code §1700.4(b).

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

5 3. Labor Code §1700.25(a) provides:

6 (a) A licensee who receives any payment of funds on
7 behalf of an artist shall immediately deposit that
8 amount in a trust fund account maintained by him or
9 her in a bank or other recognized depository. The
10 funds, less the licensee’s commission, shall be
11 disbursed to the artist **within 30 days after receipt.**
12 However, notwithstanding the preceding sentence, the
13 licensee may retain the funds beyond 30 days of receipt
14 in either the following circumstances:

15 (1) To the extent necessary to offset an
16 obligation of the artist to the talent agency that is
17 then due and owing.

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

23 The evidence presented establishes that Respondents received payment for the print
24 job at *Nuvaring* on behalf of minor EBIN PEDERSEN on approximately September 24,
25 2011 and failed to turn over the monies to Petitioner EBIN PEDERSEN.

26 3. Labor Code §1700.25(e) provides:

27 If the Labor Commissioner finds, in proceedings under
28 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.

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(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. However, the evidence establishes that after filing the instant petition, Petitioner received \$900.00 from the photographer on the job for the work performed by her minor son, EBIN PEDERSEN. Accordingly, we only award Petitioner interest from October 24, 2011 (30 days after Respondents received payment on behalf of Petitioner, per Labor Code §1700.25(a)) to the date Petitioner received payment from the third party photographer on March 20, 2013, calculated at 10 percent per annum for a total of \$126.49.

ORDER

For the foregoing reasons, Petitioner SUMMER ORTIZ for EBIN PEDERSEN, A Minor, is entitled to collect \$126.49 in interest under Labor Code §1700.25(2) from Respondents JET SET WORLD, LLC and JET SET ENTERPRISES, LLC.

DATED: Respectfully submitted,

By:
EDNA GARCIA EARLEY
Attorney for the Labor Commissioner

ADOPTED AS THE DETERMINATION OF THE LABOR COMMISSIONER

Dated:

By: _____
JULIE A. SU
State Labor Commissioner