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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 DIMASE, on behalf of minor
CHARLOTTE DIMASE,

CASE NO. TAC 26206

**DETERMINATION OF
CONTROVERSY**

12
13 Petitioner,

14 vs.
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16 JET SET ENTERPRISES, LLC; JET SET
17 WORLD, 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 July 24, 2012 in Los Angeles,
22 California, before the undersigned attorney for the Labor Commissioner assigned to hear
23 this case. Petitioner JENNIFER DIMASE, on behalf of minor CHARLOTTE DIMASE
24 appeared in pro per. Respondents JET SET ENTERPRISES, LLC; JET SET WORLD,
25 LLC were 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 JENNIFER DIMASE, (hereinafter, "Petitioner"), is the
3 mother of minor, CHARLOTTE DIMASE and files this petition on her behalf.

4 2. Respondent JET SET ENTERPRISES, LLC is a licensed talent
5 agency currently operating under Talent Agency license number 105270.¹

6 3. In April 2008, Petitioner agreed to have Respondents JET SET
7 ENTERPRISES, LLC and JET SET WORLD, LLC, (hereinafter, "Respondents") act as a
8 talent agent for her minor daughter. From 2008 until November 2011, Respondents
9 booked various print and commercial jobs for minor CHARLOTTE DIMASE and always
10 forwarded payments received from third party employers to Petitioner less Respondents'
11 commission.

12 4. Respondents charged a 20% commission on all print jobs procured
13 for minor CHARLOTTE DIMASE.

14 5. On November 6, 2011, minor CHARLOTTE DIMASE worked on a
15 print job for *The Children's Place*, which was booked by Respondents. Petitioner
16 provided an invoice for this job showing the amount earned and owed to minor
17 CHARLOTTE DIMASE for this job. The invoice showed that minor CHARLOTTE
18 DIMASE earned \$100.00 less 20% commission for a total of \$80.00 owed for work
19 performed on November 6 2011.

20 6. Petitioner provided a copy of her written contract with Respondents
21 granting Respondents the authority to collect and receive all sums payable to her minor
22 daughter, CHARLOTTE DIMASE.

23 7. Petitioner testified that she never received the aforementioned
24 payment from Respondents even after learning that the payment had been made to
25 Respondent by *The Children's Place* approximately 1 month after the job, as was standard
26 practice. Petitioner also testified that she called and emailed Respondents numerous times

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 to inquire about the payments, to no avail.

2 8. Petitioner filed the instant Petition to Determine Controversy on February
3 10, 2012 seeking a total of \$80.00 for the print job that her minor daughter performed on
4 November 6, 2011 for *The Children's Place*.

5 **LEGAL ANALYSIS**

6 1. Minor, CHARLOTTE DIMASE is a model and therefore, is an
7 "artist" within the meaning of Labor Code §1700.4(b).

8 2. Respondents are a licensed talent agency. Labor Code §1700.25(a)
9 provides:

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

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

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

22 The evidence presented establishes that Respondents received payment for the print
23 job at *The Children's Place* performed by minor CHARLOTTE DIMASE on November
24 6, 2011 and failed to turn over a total of \$80.00 to Petitioner JENNIFER DIMASE.

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

26 If the Labor Commissioner finds, in proceedings under
27 Section 1700.44, that the licensee's failure to disburse
28 funds to an artist within the time required by

1 subdivision (a) was a willful violation, the Labor
2 Commissioner may, in addition to other relief under
3 Section 1700.44, order the following:

4 (1) Award reasonable attorney's fees to the
5 prevailing artist.

6 (2) Award interest to the prevailing artist on the
7 funds wrongfully withheld at the rate of 10
8 percent per annum during the period of the
9 violation.

10 Respondents' failure to pay Petitioner the outstanding monies owed constitutes a
11 willful violation under Labor Code §1700.25(e). Respondents have failed to pay the
12 amount owed to date. Accordingly, we award Petitioner \$80.00 plus \$4.60 in interest
13 (calculated at 10 percent per annum from January 6, 2012² to the present) for a total of
14 \$84.60.

15 **ORDER**

16 For the foregoing reasons, Petitioner JENNIFER DIMASE on behalf of
17 minor, CHARLOTTE DIMASE is entitled to collect \$84.60 from Respondents JET SET
18 ENTERPRISES, LLC and JET SET WORLD, LLC.

19 DATED: August 7, 2012

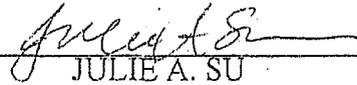
Respectfully submitted,

By: 
EDNA GARCIA EARLEY

Attorneys for the Labor Commissioner

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

21 Dated: August 6, 2012

By: 

JULIE A. SU
State Labor Commissioner

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27 ² January 6, 2012 is 30 days from the date Respondents would have received payment
28 from *The Children's Place*, approximately 30 days from date of the last job performed by
minor CHARLOTTE DIMASE on November 6, 2011.

