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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**

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11 PATRICIA CANDIDO for NOAH
DEVLIN, a Minor,

12
13 Petitioner,

14 vs.

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16 JET SET MODELS, JET SET BABIES,
17 ENTERPRISES, LLC;

18 Respondents.
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CASE NO. TAC 27434

**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 October 17, 2012, in Los
22 Angeles, California, before the undersigned attorney for the Labor Commissioner
23 assigned to hear this case. Petitioner PATRICIA CANDIDO, on behalf of minor NOAH
24 DEVLIN appeared in pro per. Mark Devlin, father of minor NOAH DEVLIN also
25 appeared as a witness. Respondents JET SET MODELS, JET SET BABIES, and JET
26 SET ENTERPRISES, LLC 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
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1 file in this matter, the Labor Commissioner hereby adopts the following decision:

2 **FINDINGS OF FACT**

3 1. Petitioner PATRICIA CANDIDO, (hereinafter, "Petitioner"), is the
4 mother of minor, NOAH DEVLIN and files this petition on his behalf.

5 2. The evidence established that Respondents JET SET MODELS, and
6 JET SET BABIES, also operate as JET SET ENTERPRISES, LLC (all three collectively
7 referred to as "Respondents"). Absent any evidence to the contrary, for purposes of this
8 petition, they will be treated as the same entity. JET SET ENTERPRISES, LLC is a
9 licensed talent agency currently operating under Talent Agency license number 105270.

10 3. In early 2011, Petitioner agreed to have Respondents act as a talent
11 agent for her minor son NOAH DEVLIN in the entertainment industry.

12 4. On April 5, 2011 minor NOAH DEVLIN worked as an artist for
13 Canvas Motion Pictures in a corporate video for Disney earning \$900 for his work. This
14 assignment was procured by Respondents.

15 5. The evidence established that Check no. 1374, dated June 22, 2011 in
16 the amount of \$900 issued by Canvas Motion Pictures, Inc. was sent to Jet Set World LLC
17 for the work performed by minor NOAH DEVLIN on April 5, 2011 and was negotiated
18 by Respondents soon thereafter.

19 6. Petitioner and her husband, Mark Devlin, both testified that they
20 never received the aforementioned payment from Respondents even after learning that the
21 payment had been made to Respondents on June 22, 2011.

22 7. Mark Devlin testified that he attempted to contact Respondents on
23 numerous occasions, and submitted emails showing his attempts to collect payment. To
24 date, Respondents have failed to render payment to minor NOAH DEVLIN or his parents
25 for the April 5, 2011 assignment for Canvas Motion Pictures.

26 8. On May 24, 2012, Petitioner filed the instant Petition to Determine
27 Controversy seeking a total of \$900.00 plus interest and compensatory and punitive
28 damages.

1 prevailing artist.

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

5 Respondents' failure to pay Petitioner the outstanding monies owed constitutes a
6 willful violation under Labor Code §1700.25(e). Respondents have failed to pay the
7 amount owed to date. Accordingly, we award Petitioner \$900.00 plus \$119.84 in interest
8 (calculated at 10 percent per annum from July 22, 2011¹ to the present) for a total of
9 \$1,019.84. The Talent Agencies Act does not provide for compensatory and punitive
10 damages. As such, Petitioner's request for such damages is denied.

11 **ORDER**

12 For the foregoing reasons, Petitioner PATRICIA CANDIDO on behalf of
13 minor, NOAH DEVLIN is entitled to collect \$1,019.84 from Respondents JET SET
14 MODELS, JET SET BABIES, and JET SET ENTERPRISES, LLC.

15 DATED: November 27, 2012

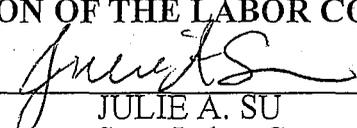
Respectfully submitted,

16 By: 
EDNA GARCIA EARLEY

17 Attorneys for the Labor Commissioner

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

19 Dated: November 27, 2012

By: 

JULIE A. SU
State Labor Commissioner

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28 ¹ July 22, 2011 is 30 days from the date payment was made to Respondents by third party
production company, Canvas Motion Pictures, Inc. on June 22, 2011.

