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DIVISION OF LABOR STANDARDS ENFORCEMENT
By: FRANK C. S. PEDERSEN,
Special Hearing Officer
525 Golden Gate Avenue - Room 606
San Francisco, California 94102

Telephone: (415) 557-2516

Attorneys for the Labor Commissioner

BEFORE THE LABOR COMMISSIONER
STATE OF CALIFORNIA

JOEL NICE, DAVID STRELZ, and)
MARK LARSEN,)
)
Petitioners,) NO. TAC 22-81
) SF MP 119
vs.)
)
SKID ROW STUDIOS, INC.,) DETERMINATION
)
Respondents.)

The above-entitled controversy came on regularly for hearing in San Francisco, California, on May 25, 1983, before the Labor Commissioner of the State of California by Frank C. S. Pedersen, Counsel for the Division of Labor Standards Enforcement, serving as Special Hearing Officer under the provisions of Section 1700.44 of the Labor Code of the State of California; petitioners appearing in person and by their attorney Allen Schwartz, and respondent not appearing. The Notice of Hearing addressed to respondent was returned, with no forwarding address.

Evidence, both oral and documentary, having been intro-

1 duced and the matter having been reopened on May 12, 1983,
2 for the submission of evidence by respondent because of the
3 fact that respondent had a current mailing address on file
4 with the Licensing Section at the time of the previous hearing.
5 Petitioners did not desire to appear on May 12, 1983, and
6 the matter being submitted on said date, the following deter-
7 mination is made:

8 : It is the determination of the Labor Commissioner:

9 1. That respondent procured employment for petitioners
10 at various locations in the San Francisco Bay Area in the
11 months of May, June and July of 1981, at which time respond-
12 ent was not licensed as a talent agency.

13 2. That petitioners were artists within the meaning
14 of Section 1700.4 of the Labor Code and earned a total of
15 \$1,008.00 from the bookings arranged by respondent, none of
16 which earnings were ever paid to petitioners by respondent
17 save and excepting the sum of \$75.00.

18 3. Respondent is therefore directed to pay to petitioners
19 the sum of \$933.00.

20 4. That the oral contracts between the parties of April
21 4, 1981 and June 1, 1981 are unenforceable by respondent.

22 I

23 INTRODUCTION

24 On October 8, 1981 petitioners filed a Petition to Deter-
25 mine Controversy pursuant to Labor Code Section 1700.44 alleg-
26 ing that respondent had acted as a talent agency and failed
27 to pay petitioners monies collected for their bookings.

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were made.

3. Respondent was paid the sum of \$1,008.00 from the bookings, none of which amount save \$75.00 was paid to petitioners.

4. All evidence introduced by respondent was hearsay evidence which will not support a finding.

CONCLUSIONS OF LAW

1. The contracts entered into on April 4, 1981 and June 1, 1981, are of no force and effect and respondent is not entitled to recover anything under said contracts.

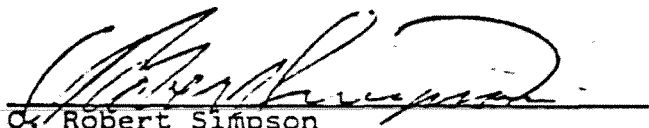
2. Respondent is ordered to pay to petitioners the sum of \$933.00.

DATED: June 22, 1983.



Frank C. S. Pedersen
Special Hearing Officer

ADOPTED: JUNE 22, 1983



Robert Simpson
Labor Commissioner
State of California