

1 DIVISION OF LABOR STANDARDS ENFORCEMENT  
2 Department of Industrial Relations  
3 State of California  
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9 Attorney for the Labor Commissioner

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BEFORE THE LABOR COMMISSIONER  
OF THE STATE OF CALIFORNIA

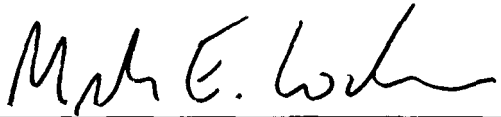
10	WENDI de BARROS,	)	No. TAC 55-92
11		)	
11	Petitioner,	)	
12	vs.	)	CERTIFICATION OF LACK
13	JIM DARLOWE, SAI TALENT,	)	OF CONTROVERSY UNDER
14		)	LABOR CODE §1700.44
14	Respondents.	)	
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16 The above-captioned petition was filed on May 19, 1992  
17 alleging that prior to agreeing to serve as petitioner's talent  
18 agent, respondent required petitioner to purchase composite  
19 photographs. The evidence attached to the petition, however,  
20 shows that respondents did not collect any money from petitioner  
21 for these photographs, but rather, that petitioner paid the  
22 photographer directly. Moreover, the evidence shows that  
23 respondents did not require petitioner to use the services of any  
24 specific photographer, but merely supplied petitioner with a list  
25 of photographers. Petitioner was free to use the services of any  
26 photographer from the list, or to choose a photographer not  
27 listed.  
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Labor Code §1700.40 prohibits talent agencies from collecting any fees for photographs from artists. Here, however, the facts alleged in the petition did not constitute a violation of section 1700.40 or any other provisions of the Talent Agencies Act. As there is no controversy within the meaning of Labor Code §1700.44, this petition is hereby dismissed.

DATED: 9/24/95

  
MILES E. LOCKER, Attorney  
for the Labor Commissioner

