

DIVISION OF LABOR STANDARDS ENFORCEMENT
DEPARTMENT OF INDUSTRIAL RELATIONS
STATE OF CALIFORNIA

Case Nos.: TAC 52897

ANTHONY HEIDER, an individual,

Petitioner,

v.

BBA TALENT INC.,

Respondent.

DETERMINATION OF CONTROVERSY

I. Introduction

The above captioned petition was filed on June 5, 2023 by Anthony Heider (Heider). Heider alleges that Respondent talent agency BBA Talent Inc. (BBA) received payment for jobs Heider performed in December 2022 and February 2023 but failed to disburse the funds to Heider within 30 days from receipt by the employer as required under Labor Code § 1700.25. Respondent did not file an answer.

A hearing occurred on February 26, 2024 via Zoom. Heider appeared and submitted evidence. Although properly served, Respondent did not attend the hearing.

Based on the testimony and evidence presented at the hearing, the Labor Commissioner hereby adopts the following decision.

II. Findings of Fact

Heider is an artist who was represented by talent agency BBA during the relevant time periods. Renee Howard was the President of BBA.

In December 2022, Heider booked a voice-over performance for a movie trailer and a video game through Marc Graue Studios (Marc Graue). He informed his agent Mike O'Dell from BBA. Heider was

1 promised \$125 per hour for two hours of work, for a total of \$250. In addition, Marc Graue promised to
2 pay an additional 10% (\$25) for the commission to BBA, for a total of \$275. Heider performed the work
3 on December 19, 2022. Samantha Morrison from Marc Graue confirmed to Heider on April 17, 2023 that
4 all checks for 2022 work had been paid to BBA.

5 In January 2023, Heider booked an on-camera performance for a National Football League
6 Superbowl commercial. He informed his agent Mike O'Dell from BBA about the booking. Heider was
7 promised \$1700 for the shoot, broken down as \$500 for the shoot date, \$1000 for usage, \$50 for time to
8 take a COVID test, and an additional 10% of the \$1500 for the shoot and the usage as commission (\$150).
9 Heider shot the commercial on January 21, 2023. Two separate checks later provided to Heider by the
10 production company show payment of the checks to BBA on February 16, 2023.

11 In February 2023, Heider booked and performed two additional voice-over roles for a movie
12 trailer at the rate of \$125 per hour plus a ten percent additional payment for commission to BBA. In total,
13 he worked 3 hours (\$375) plus \$37.50 for BBA's commission, for a total of \$412.50. Samantha Morrison
14 from Marc Graue confirmed to Heider on April 17, 2023 that these payments were paid to BBA on April
15 14, 2023.

16 Altogether, BBA received \$2,112.50 and never disbursed any of that amount to Heider.

17 On March 21, 2023, Heider first emailed Howard regarding the unpaid amounts. Howard stated
18 that she was "covering for two people out on vacation" and needed to "get caught up processing" to let
19 him know when he would be paid. We find it more likely than not Howard was lying to Heider that
20 processing was the problem. Instead, given Howard's later behavior avoiding communications from
21 Heider, we find it likely Howard knew BBA had received the funds but could not or did not disburse
22 them.

23 In April and May 2023, Heider sent additional follow up emails to O'Dell and Howard. On April
24 5, 2023, Heider noted that he "really need[ed] the money" and asked for a status update. By May 2023,
25 Heider was sending an email entitled "Please help me," asking O'Dell and Howard if he could get paid.
26 O'Dell at least responded, stating he would "nudge" Howard. Howard did not reply.

27 BBA has not disbursed the payments as of the date of the hearing.
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IV. Order

It is ordered as follows:

1. Respondent BBA Talent Inc. is to pay Petitioner Heider \$2,326.07, with 10% interest per annum continuing until payment; and
2. Petitioner's contract with BBA Talent Inc. is void and unenforceable.

Dated: March 8, 2024



Casey Raymond
Attorney for the Labor Commissioner

ADOPTED AS THE DETERMINATION OF THE LABOR COMMISSIONER



Dated: March 8, 2024

By: _____
LILIA GARCÍA-BROWER
California State Labor Commissioner