

1 DIVISION OF LABOR STANDARDS ENFORCEMENT
2 Department of Industrial Relations
3 State of California
4 By: James G. Pattillo, State Bar # 041764
5 107 South Broadway, Suite 5015
6 Los Angeles, CA 90012
7 (213) 897-8105
8 fax (213)897-6020
9 Attorney for the Labor Commissioner

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BEFORE THE LABOR COMMISSIONER
FOR THE STATE OF CALIFORNIA

12 MICHELE HOANG,
13 Petitioner,
14 vs.
15 DURKIN ARTISTS AGENCY,
16 Defendant.

Case No. TAC 18-96

DETERMINATION OF
CONTROVERSY

18 **Introduction**

19 The above-captioned matter was initiated by a petition filed on June 3, 1996, by
20 MICHELE HOANG (hereinafter "petitioner") against DURKIN ARTISTS AGENCY (hereinafter
21 "respondent," or "DURKIN"), alleging that respondent violated the Talent Agencies Act, Labor
22 Code §§1700 et seq., by making a referral to an entity in which DURKIN had a financial interest.
23 By the petition, petitioner seeks reimbursement of the amount paid.

24 Respondent filed an answer. A notice setting the hearing of this matter for September 25,
25 1997, at 1:30 p.m., was mailed to the parties. Subsequently, due to a schedule conflict on the part
26 of counsel for respondent, the matter was continued to October 10, 1997, at 11:00 a.m., and
27 notice of this continuance was also mailed to the parties.

28 Although petitioner had given her address as P.O. Box 69066, San Antonio, Texas, at the

1 time she filed her petition, she subsequently used 3324 Castle Heights #114, Los Angeles, CA, as
2 her address in corresponding with DLSE. Both notices of hearing were sent to the Castle Heights
3 address, and neither was returned by the Post Office as undeliverable at that address.

4 However, at the hearing, no appearance was made by petitioner, although respondent was
5 present by counsel, Thomas S. Byrnes, Esq.

6 Because of possible confusion over petitioner's address, a letter was sent to her on
7 October 10, 1997, with copies sent to both the Castle Heights address and the Texas address,
8 asking for an explanation of her failure to appear. Both letters were returned by the US Post
9 Office as undeliverable. The notation on the letter sent to the Texas address indicated that the post
10 office box was no longer held by petitioner, and the notation on the letter sent to the Castle
11 Heights address indicated that petitioner was unknown at that address.

12 Based on the fact that no appearance was made by petitioner, the Labor Commissioner
13 adopts the following Determination of Controversy.

14 Findings of Fact

15 1. Although advance notice of the hearing was sent to petitioner at the last address she
16 had used in correspondence with DLSE, no appearance was made by or for petitioner at the
17 hearing.

18 2. No evidence was presented at the hearing to support the allegations of the petition.

19 Conclusions of Law

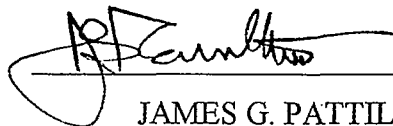
20 1. Respondent is a "talent agency" within the meaning of Labor Code §1700.4(a). The
21 Labor Commissioner has jurisdiction over this matter pursuant to Labor Code §1700.44.

22 2. No evidence was presented at the hearing to support the allegations of the petition.

23 Order

24 It is hereby ordered that the petition be, and it is hereby, dismissed.

25 Dated October 30, 1997.

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27 _____
28 JAMES G. PATTILLO
Attorney for the Labor Commissioner

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Adoption By The Labor Commissioner

The above determination is adopted by the Labor Commissioner in its entirety.

Dated: Nov. 10, 1997.

Jose Millan
Signature

Name Jose Millan

Print

For the Labor Commissioner

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