

1 DIVISION OF LABOR STANDARDS ENFORCEMENT

2 By: Laurence T. Emert  
3 107 South Broadway, Room 5015  
4 Los Angeles, CA 90012  
5 (213) 620-2500

6 Attorney for the Labor Commissioner

7 BEFORE THE LABOR COMMISSIONER OF  
8 THE STATE OF CALIFORNIA

9  
10 PROFESSIONAL ARTISTS MANAGEMENT,  
11 a California Corporation,

12 Petitioner,

13 vs.

14 ROGER PELTZ; ROGER BEHR,

15 Respondents.

) NO. TAC 12-79  
MP 475

) DETERMINATION

16 The above-entitled controversy came on regularly for  
17 hearing before the Labor Commissioner, Division of Labor Standards  
18 Enforcement, Department of Industrial Relations, State of  
19 California, by Laurence T. Emert, Industrial Relations Counsel II  
20 for the Division of Labor Standards Enforcement, under the pro-  
21 visions of Section 1700.44 of the Labor Code of the State of  
22 California; petitioner Professional Artists Management, appearing  
23 by the law offices of Michael Levine, and respondents Roger Peltz  
24 and Roger Behr, appearing in pro per. Evidence both oral and  
25 documentary having been introduced, and the matter being briefed  
26 and submitted for decision, the following determination is made:

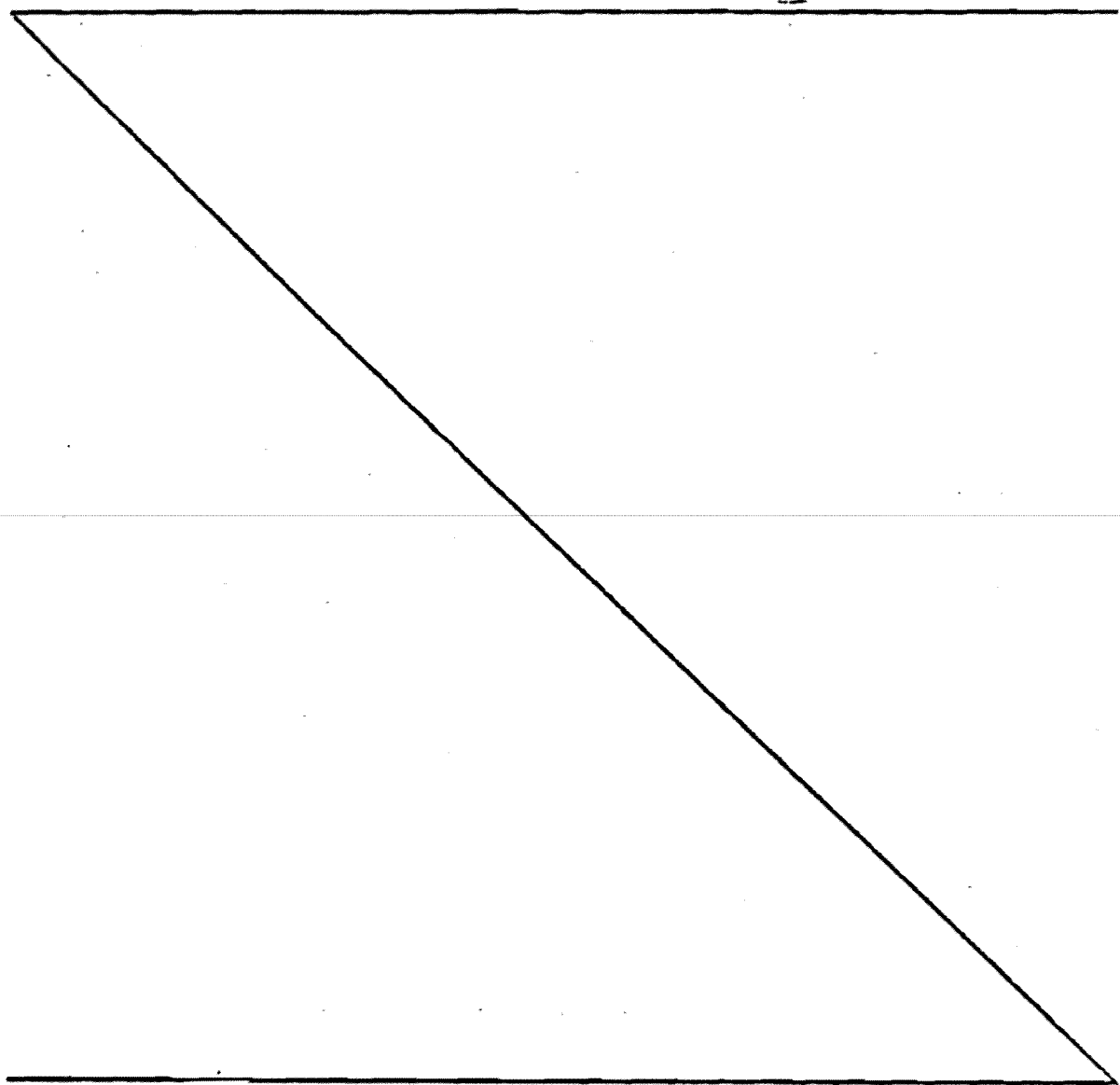
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In any event, assuming arguendo, an oral agreement existed between the parties, petitioner is still due nothing. Under Title 8 of the California Administrative Code, Chapter 6, Group 3, Article 6, the following regulation concerning an Artist Manager is found:

"12002. No artists' manager shall be entitled to recover a fee, commission or compensation under an oral contract between an artists' manager and an



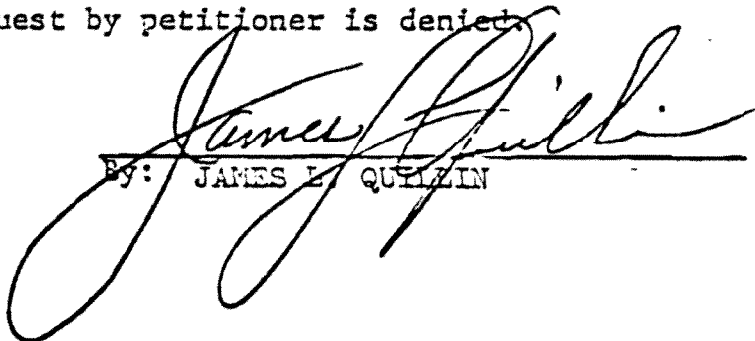
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artist unless the particular employment for which such fee, commission or compensation is sought to be charged shall have been procured directly through the efforts or services of such artists' manager and shall have been confirmed in writing within 72 hours thereafter. Said confirmation may be denied within a reasonable time by the other party."

It is clear from this administrative regulation that before an artist manager can recover a fee for his services in procuring employment for an artist under an oral contract, he must confirm in writing within 72 hours the employment found for the artist. Petitioner has not complied with this regulation.

The relief request by petitioner is denied.

DATED: 10/27/90

  
By: JAMES L. QUILZIN