

1 DIVISION OF LABOR STANDARDS ENFORCEMENT
2 Department of Industrial Relations
3 State of California
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8 JAMES E. OSTERDAY, State Bar No. 189404
9 Attorney for the Labor Commissioner

10 **BEFORE THE LABOR COMMISSIONER**

11 **STATE OF CALIFORNIA**

12 IRENE SU, as guardian ad litem
13 for KATRINA HUNG, a minor,

14 Petitioners,

15 vs.

16 ALLURE MODEL & TALENT;
17 GARY HADDOCK; and
18 SUSAN BERNARD,

19 Respondents.

NO. TAC 4184

**DETERMINATION OF
CONTROVERSY**

20 The above-captioned matter, a Petition to Determine Controversy under Labor Code section
21 1700.44, came on regularly for hearing on December 3, 2007 in Los Angeles, California, before the
22 undersigned attorney for the Labor Commissioner assigned to hear this case. Petitioner, IRENE SU,
23 as guardian ad litem for KATRINA HUNG, a minor, (hereinafter, "Petitioners"), appeared in propria
24 persona. ALLURE MODEL & TALENT; GARY HADDOCK; and SUSAN BERNARD,
25 (hereinafter, "Respondents"), who were properly served with the Petition and Notice of Hearing, and
26 on who's behalf SUSAN BERNARD appeared at this Hearing.

27 Petitioners allege that Respondents, talent agency, withheld funds generated by employment
28 services rendered by Petitioner, KATRINA HUNG. Petitioners seek Determination of the California
Labor Codes and California Code of Regulations that were violated, if any, by Respondents and
payment of sums owed, penalties, plus interest and expenses.

1 Based on the evidence presented, the Labor Commissioner hereby adopts the following
2 decision.

3 **FINDINGS OF FACT**

4 1. Petitioner, KATRINA HUNG, is an actress who performed in August 2005 resulting
5 in a payment from a third party.

6 2. There is no dispute that the Respondents were acting as Petitioner's talent agency in
7 August 2005 when KATRINA HUNG worked for NBC on a pilot entitled "The Day Care Show".

8 3. The December 3, 2007 hearing concluded with the parties agreeing that more time was
9 needed to pursue a settlement in this matter. The parties agreed that if the matter was not resolved
10 by December 31, 2007 Petitioner would notify the undersigned attorney for the Labor Commissioner
11 and the parties would produce and submit any supporting documents/evidence. The parties also
12 agreed that ten (10) days thereafter the matter would stand submitted. The parties were unable to
13 resolve their dispute and the matter stands submitted.

14 4. Petitioners have submitted evidence supporting their assertion that Respondents
15 received \$480.00 for services rendered by Petitioner, KATRINA HUNG. The evidence is in the form
16 of a canceled check paid to the order of ALLURE MODEL & TALENT AGENCY for which the
17 Respondents have not denied but, in fact, did agree that if a canceled check was produced they would
18 owe the stated amount to the Petitioners. Further, the Respondents agreed that they had not previously
19 forwarded any portion of the amount in question to the Petitioners.

20 **LEGAL ANALYSIS**

21 1. The Labor Commissioner has jurisdiction to hear and determine this controversy
22 pursuant to Labor Code section 1700.44(a).

23 2. Labor Code section 1700.4(b) includes "actresses" within the definition of "artists"
24 for purposes of the Talent Agencies Act (Labor Code sections 1700-1700.47). The Petitioner, who
25 performs in a pilot television show is an "artist" within the meaning of Labor Code section 1700.4(b).

26 3 Labor Code section 1700.4(a) defines a "talent agency" as any person or corporation
27 "who engages in the occupation of procuring, offering, promising, or attempting to procure
28 employment or engagements for an artist." In the instant case, Respondent does not deny they acted

1 in the capacity as a talent agency.

2 CONCLUSION

3 1. Respondent having received the amount in dispute, as evidenced by the canceled
4 check, and having failed to show that thereafter payment was made to Petitioners, must now do so.
5 In addition, the Petitioners are entitled to interest on the funds at a rate of ten percent (10%) per
6 annum from the date the funds were received by the Respondents.

7 2. Therefor, Respondent must pay Petitioners \$480.00 plus interest as of March 7, 2008
8 in the amount of \$96.92 based on a rate of ten percent (10%) per annum. Further, Respondent is
9 liable for interest at a daily rate of \$0.16 accruing from March 8, 2008.

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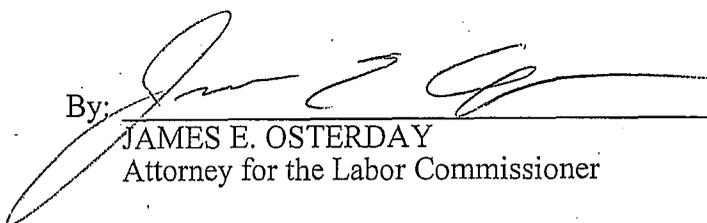
ORDER

For the reasons set forth above, IT IS HEREBY ORDERED that:

1. Petitioners are awarded all amounts withheld by Respondent or \$480.00;
2. Respondents are ordered to pay interest in the amount of \$96.92;
3. Respondent is additionally ordered to daily interest in the amount of \$0.16

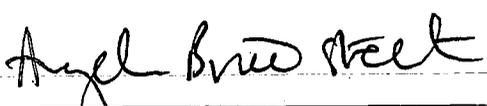
accruing from March 8, 2008;

Dated: 3/17/08

By: 
JAMES E. OSTERDAY
Attorney for the Labor Commissioner

ADOPTED AS THE DETERMINATION OF THE LABOR COMMISSIONER

Dated: 3/19/08


ANGELA M. BRADSTREET
State Labor Commissioner

