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BEFORE THE LABOR COMMISSIONER

STATE OF CALIFORNIA

MAVRICK ARTISTS AGENCY,

Petitioner,

v.

DAWN ROBINSON,

Respondent.

NO. TAC-115791

**AMENDED DETERMINATION OF
CONTROVERSY [NUNC PRO TUNC]**

**(Amendment of this Determination does not
extend the time for appeal, which is calculated
from the date of service of the original
Determination)**

This matter, a Petition to Determine Controversy under Labor Code §1700.44, came regularly for hearing in Los Angeles, California, before the undersigned attorney for the Labor Commissioner assigned to hear the case. Petitioner Mavrick Artists Agency (hereinafter referred to as "MAVRICK") appeared by Erick Negri and Brad Diffley. Respondent Dawn Robinson (hereinafter referred to as "ROBINSON") was properly served with the Notice of Hearing, but failed to appear. The respondent did not file an answer to the petition.

FINDINGS OF FACT

1. DAWN ROBINSON is an artist, as that term is defined in Labor Code Section 1700.4, and rendered services as an actor in a television commercial produced by DDB Worldwide Communications, Inc., for their client, Merck.

1 2. MAVRICK ARTISTS AGENCY is a licensed talent agency within the definition set
2 forth in Labor Code Section 1700.4.

3 3. MAVRICK ARTISTS AGENCY procured the petitioner's employment which is at issue
4 in this action. By agreement between the parties, ROBINSON's payment for the services rendered
5 to the production company was to be tendered by check made jointly payable to MAVRICK and
6 ROBINSON. Pursuant to the agreement, MAVRICK was to deduct their ten percent commission
7 and issue a check to ROBINSON for her wages.
8

9 4. After MAVRICK had processed one payment from the production company and
10 distributed the proceeds according to the parties' agreement, ROBINSON contacted the payroll
11 company which the production company utilized to pay the wages, and instructed them to issue the
12 checks to ROBINSON, rather than to MAVRICK.
13

14 5. After MAVRICK became aware that the checks were being sent directly to the artist,
15 MAVRICK requested that ROBINSON pay the commissions she owed MAVRICK. Despite
16 repeated demands for payment, ROBINSON did not pay the petitioner the commissions it had
17 earned under the contract.

18 6. The evidence presented at the hearing shows that ROBINSON's payments from the
19 production company totaled \$54,973.20, and that MAVRICK was entitled by contract to ten percent
20 of that total, or \$5,497.32. Mr. Negri testified at the hearing that MAVRICK has received \$320.26,
21 leaving a balance of commissions due to MAVRICK OF \$5,157.06.
22

23 24 **LEGAL ANALYSIS**

25 The respondent in this action did not answer the petition, and failed to attend the hearing
26 conducted in the matter, this in spite of having been properly served with the petition and a Notice to
27 Answer.
28

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

CERTIFICATION OF SERVICE BY MAIL
(C.C.P. 1013A) OR CERTIFIED MAIL

I, JUDITH A. ROJAS, do hereby certify that I am a resident of or employed in the County of San Diego, over 18 years of age, not a party to the within action, and that I am employed at and my business address is: 7575 Metropolitan Drive, Suite 210, San Diego, CA 92108-4421

On August 13, 2013, I served the within AMENDED DETERMINATION OF CONTROVERSY by placing a true copy thereof in an envelope addressed as follows:

Mavrick Artists Agency Inc.
Brad Diffley, Agent
6100 Wilshire Blvd., Ste. 550
Los Angeles, CA 90048

Dawn Tshombe Robinson
1263 Robinson Ave., Apt. 20
San Diego, CA 92103-4465

Dawn Tshombe Robinson
6891 Goldstone Road
Carlsbad, CA 92009

and then sealing the envelope and with postage and certified mail fees (if applicable) thereon

fully prepaid, depositing it for pickup in this city by:

Federal Express Overnight Mail

Ordinary First Class Mail

I certify under penalty of perjury that the foregoing is true and correct.

Executed on August 13, 2013, at San Diego, California.


JUDITH A. ROJAS

Case No. TAC-115791

PROOF OF SERVICE