

1 STATE OF CALIFORNIA  
2 DEPARTMENT OF INDUSTRIAL RELATIONS  
3 DIVISION OF LABOR STANDARDS ENFORCEMENT  
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9 Special Hearing Officer for the Labor Commissioner

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BEFORE THE LABOR COMMISSIONER  
OF THE STATE OF CALIFORNIA

JAYDN MEIER,

Petitioner,

vs.

THE PINKERTON MODEL AND TALENT  
COMPANY, LLC aka PINKERTON MODEL  
AND TALENT CO., LLC,

Respondent.

CASE NO.: TAC-33688

DETERMINATION OF  
CONTROVERSY

The above-captioned matter, a petition to determine controversy under Labor Code §1700.44, came on regularly for hearing on January 7, 2015 in Los Angeles, California, before the undersigned attorney for the Labor Commissioner assigned to hear this case. Petitioner JAYDN MEIER (hereinafter "Petitioner") appeared personally. Respondent THE PINKERTON MODEL AND TALENT COMPANY, LLC aka PINKERTON MODEL AND TALENT CO., LLC (hereinafter "Respondent") appeared by and through its authorized agent and representative LYNN VENTURELLA.

Based on the facts stipulated to at the hearing and on the other papers on file in this matter, the Labor Commissioner hereby adopts the following decision.

1 **FINDINGS OF FACT**

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3 The Respondent acknowledged and stipulated to the following facts:

4  
5 1. Petitioner is a model and actor, and an artist within the meaning of Labor  
6 code section 1700.44.

7  
8 2. Respondent is a limited liability company licensed as a talent agency under  
9 the provisions of the Talent Agencies Act, Labor Code section 1700 et seq. (TAA).

10  
11 3. In January, 2013, respondent became indebted to petitioner in the amount of  
12 \$4,760.00 as a result of fees and amounts it received on behalf of petitioner as her agent,  
13 which fees and amounts had been remitted to respondent as a result of modeling and other  
14 engagements that respondent had procured and obtained for petitioner through its  
15 procurement activities as petitioner's talent agent.

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17 4. Although respondent received the above-described amounts on behalf of  
18 petitioner, it did not deposit these funds in a trust account, but instead diverted these  
19 funds to other purposes and failed to pay petitioner the money it owed her.

20  
21 5. Respondent is obligated to petitioner in the sum of \$4,760.00 and that sum  
22 remains due, owing, and unpaid.

23  
24 6. Having inexcusably failed to pay petitioner the money it owed to her,  
25 respondent owes petitioner interest on the money due at 10% per annum from March 1,  
26 2013; the total amount of interest due is \$948.00.

1 The petitioner acknowledged and stipulated to these facts.

2  
3 **LEGAL ANALYSIS**  
4

5 1. Respondent operated as a licensed talent agency.

6  
7 2. Petitioner was an artist who was represented by Respondent.

8  
9 3. This case is within the jurisdiction of the Labor Commissioner under Labor  
10 Code section 1700.44, subdivision (a).

11  
12 4. Under the arrangement entered into at the time respondent became  
13 petitioner's talent agent, respondent agreed to accept payments on behalf of petitioner for  
14 the services she rendered and to promptly remit to petitioner her share of those payments,  
15 after deducting respondent's commission. This was also respondent's statutory obligation  
16 under Labor Code section 1700.25, subdivision (a).

17  
18 5. It is conceded and undisputed that in January, 2013, respondent became  
19 indebted to petitioner in the amount of \$4,760.00 for monies received by respondent in  
20 payment for petitioner's services. This amount of \$4,760.00 representing petitioner's  
21 share of the payments should have been remitted to petitioner forthwith.

22  
23 6. No part of the \$4,760.00 was ever paid to petitioner, and the entire sum is  
24 due, owing, and unpaid.

25  
26 7. Labor Code section 1700.25, subdivision ( e) provides that where there is a  
27 willful failure on the part of a talent agent to pay funds to an artist within 30 days of  
28

1 receipt, as mandated by subdivision (a) of section 1700.25, the Labor Commissioner may  
2 award the artist interest on the wrongfully withheld funds. Here, there is no question that  
3 respondent wrongfully withheld monies belonging to petitioner. This plainly constituted  
4 a willful violation of section 1700.25, subdivision (a). Accordingly, petitioner is entitled  
5 to interest on the withheld funds.

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7 8. The total accumulated interest now due is \$948.00

8  
9 **ORDER**

10  
11 For the reasons set forth above, **IT IS HEREBY ORDERED** that:

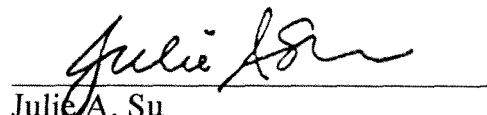
12  
13 Respondent THE PINKERTON MODEL AND TALENT COMPANY, LLC aka  
14 PINKERTON MODEL AND TALENT CO., LLC pay to petitioner JADYN MEIER the  
15 sum of \$4,760.00, plus interest in the amount of \$948.00, for a total of \$5,708.00.

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18 Dated: 5/4/15

  
William A. Reich  
Special Hearing Officer  
for the Labor Commissioner

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21 Adopted:

22  
23  
24 Dated: 5/4/2015

  
Julie A. Su  
State Labor Commissioner