

1 DIVISION OF LABOR STANDARDS ENFORCEMENT  
By: FRANK C. S. PEDERSEN,  
2 Special Hearing Officer  
3 525 Golden Gate Avenue - Room 606  
San Francisco, California 94102

4 Telephone: (415) 557-2516  
5 Attorneys for the Labor Commissioner  
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7

8 BEFORE THE LABOR COMMISSIONER

9 STATE OF CALIFORNIA

10	PF LAZOR	)	
	Petitioner,	)	NO. SFMP 90
11		)	TAC 26-80
	vs.	)	
12		)	
	DENNIS MAHDIK,	)	<u>DETERMINATION</u>
13	aka MAH JEK TALENT AGENCY,	)	
		)	
14	Respondent.	)	

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17 The above-entitled controversy came on regularly for  
18 hearing in San Jose, California, on November 6, 1981, before  
19 the Labor Commissioner of the State of California by Frank C.  
20 S. Pedersen, Counsel for the Division of Labor Standards  
21 Enforcement, serving as Special Hearing Officer under the  
22 provisions of Section 1700.44 of the Labor Code of the State  
23 of California; petitioner PF Lazor appearing in propria per-  
24 sona, and respondent not appearing.

25 Evidence, both oral and documentary having been intro-  
26 duced, and the matter having been submitted for decision,  
27 the following determination is made:

1 It is the determination of the Labor Commissioner:

2 1. That respondent had no approved contract with petitioner  
3 authorizing him to collect commissions as a talent agency and  
4 respondent Dennis Mahdik, aka Mah'Jek Talent Agency, is directed  
5 to return the sum of \$80.40 to petitioner representing a 20%  
6 management fee arising out of a contract between petitioner and  
7 "The Boarding House".

8 2. That other relief requested by petitioner is not within  
9 the jurisdiction of the Labor Commissioner.

10 3. That the cross demands of respondent in their response  
11 to the petition to determine controversy are also not within  
12 the jurisdiction of the Labor Commissioner.

13 DISCUSSION

14 Petitioner alleged that respondent acted as a talent agency  
15 and was not so licensed, whereas respondent alleged that they  
16 were so licensed by the Labor Commissioner. Whether respondent  
17 was licensed or not is immaterial inasmuch as he never had a  
18 written contract approved by the Labor Commissioner to collect  
19 any commissions from petitioner.

20 The evidence does show that respondent orally arranged for  
21 an engagement at "The Boarding House" in San Francisco and that  
22 respondent collected \$492.00, all of which was paid out for ex-  
23 penses of printing, a warm-up band and spot operator's fee, in  
24 addition to the sum of \$80.40 to respondent for a management  
25 fee, leaving no net profit for petitioner.

26 It appears that all the foregoing expenses were legitimate  
27 with the exception of the management fee. Even a licensed talent

1 agency is not allowed to arbitrarily give itself a fee without  
2 a duly authorized contract.

3 Respondent not appearing, it is difficult to ascertain how  
4 respondent was able to come up with no profit for petitioner,  
5 but in any event respondent is not entitled to a management fee  
6 under the circumstances.

7 The Hearing Officer now makes the following Findings of  
8 Fact and Conclusions of Law:

9 FINDINGS OF FACT

10 1. That respondent, whether licensed or not, did procure  
11 employment for petitioner.

12 2. Respondent had no approved agreement for commissions.

13 3. Other relief requested by petitioner is not within the  
14 jurisdiction of the Labor Commissioner.


15 4. Cross demands of respondent are also not within the  
16 jurisdiction of the Labor Commissioner.

17 CONCLUSIONS OF LAW

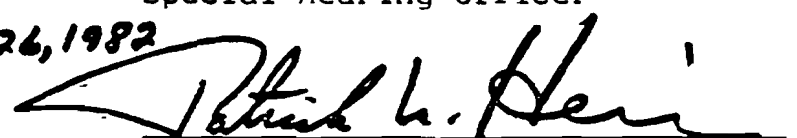
18 1. Respondent received an illegal commission of \$80.40  
19 which respondent Dennis Mahdik, aka Mah Jek Talent Agency, is  
20 directed to repay to petitioner.

21 2. The Labor Commissioner has no jurisdiction to grant  
22 any further relief to either party.

23 DATED: January 22, 1982.

  
Frank C. S. Pedersen  
Special Hearing Officer

25 ADOPTED: January 26, 1982

  
Patrick W. Henning  
Labor Commissioner  
State of California