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3 Department of Industrial Relations
4 DIVISION OF LABOR STANDARDS ENFORCEMENT
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9 Attorney for the Labor Commissioner

10 **BEFORE THE LABOR COMMISSIONER**
11 **OF THE STATE OF CALIFORNIA**

12 **STEVEN ADLER,**

13 **Petitioner,**

14 **v.**

15 **STEVEN LOBEL, an Individual,**

16 **Respondent.**

Case No. TAC13172

DETERMINATION OF CONTROVERSY

17 The above-captioned matter, a Petition to Determine Controversy under Labor Code section
18 1700.44, came on regularly for hearing in Los Angeles, California, before the undersigned attorney
19 for the Labor Commissioner assigned to hear this case. Petitioner, STEVEN ADLER, (hereinafter
20 Petitioner), appeared and was represented by William Hochberg, Esq. Respondent, STEVEN
21 LOBEL, (hereinafter Respondent) failed to appear, although proof of service establishes Respondent
22 was properly served by mail with Notice of Hearing by the Labor Commissioner at two separate
23 addresses, and by facsimile transmission to his attorney Bret D. Lewis, Esq. Petitioner submitted
24 Proof of Service showing Respondent was served with the Petition to Determine Controversy by
25 certified mail at his address in Flushing, New York, as well as a certified mail return receipt
26 evidencing receipt of the mailing. Further, Petitioner presented correspondence from Respondent's
27 attorney regarding an agreement to extend the time to file an answer to the petition. Respondent did
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1 not file an answer to the petition. At the conclusion of the hearing, the matter was taken under
2 submission. Based upon the evidence presented at the hearing and on the other papers on file in this
3 matter, the Labor Commissioner adopts the following decision.

4 **FINDINGS OF FACT**

5 1. Petitioner is an artist as defined at Labor Code section 1700.4(b), performing both as
6 a musician and a television actor.

7 2. Respondent is a personal manager who entered into a written agreement with
8 Petitioner to perform services as Petitioner's manager. In the course of providing those services,
9 Respondent acted as an unlicensed talent agent, procuring employment for Petitioner on at least two
10 occasions.
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12 3. Respondent procured employment and negotiated terms of employment on behalf of
13 Petitioner for Petitioner's appearances on the television shows "*Celebrity Rehab 2*" and "*Celebrity*
14 *Rehab Presents: Sober House*".
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16 4. The evidence presented at the hearing shows Petitioner paid a total of \$15,000.00 in
17 commissions to Respondent for the two entertainment engagements Respondent procured on
18 Petitioner's behalf.

19 **LEGAL ANALYSIS**

20 1. Labor Code section 1700.4(a) of the Talent Agencies Act defines "talent agency" as "a
21 person or corporation who engages in the occupation of procuring, offering, promising, or
22 attempting to procure employment or engagements for an artist or artists. . ." Labor Code section
23 1700.5 states: "No person shall engage in or carry on the occupation of a talent agency without first
24 procuring a license therefor from the Labor Commissioner." Labor Code section 1700.4(b) of the
25 Talent Agencies Act defines "artists" as "actors and actresses rendering services on the legitimate
26 stage and in the production of motion pictures, radio artists, musical artists, musical organizations,
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1 directors of legitimate stage, motion picture and radio productions, musical directors, writers,
2 cinematographers, composers, lyricists, arrangers, models, and other artists and persons rendering
3 professional services in motion picture, theatrical, radio, television and other entertainment
4 enterprises.”

5
6 2. The evidence presented at the hearing established that Petitioner rendered professional
7 services as an artist within the meaning of Labor Code section 1700.4(b) when appearing in the
8 television shows “*Celebrity Rehab 2*” and “*Celebrity Rehab Presents: Sober House*”, and that in
9 having rendered those services as an artist, he is entitled to the protections of the Talent Agencies
10 Act. Further, Petitioner established that Respondent negotiated the terms of the two agreements at
11 issue in this action, and in doing so, Respondent acted as an unlicensed talent agent.

12
13 3. The Act is remedial, and is meant to prevent improper persons from becoming talent
14 agent and to regulate such activity for the protection of the public. *See Styne v. Stevens* (2001) 26
15 Cal.4th 42; and *Buchwald v. Superior Court* (1967) 254 Cal.App.2d 347, 350-351. Any agreement
16 between an artist and an unlicensed person acting as a talent agent is unlawful and therefore void *ab*
17 *initio*, and hence unenforceable. Since it has been determined Respondent acted as an unlicensed
18 talent agent, the commissions Respondent charged and received from Petitioner for procuring
19 employments or engagements were unlawfully gained in violation of the Act.

20
21 4. Petitioner paid a twenty-percent commission on monies received for services rendered
22 on the television show “*Celebrity Rehab 2*”, resulting in a commission payment of \$10,000.00 for
23 that performance. In addition, Petitioner paid a commission of \$5,000.00 on his earnings from
24 “*Celebrity Rehab Presents: Sober House*”. Having found the payments arose from a representation
25 agreement which is void as a violation of the Talent Agencies Act, we order disgorgement of the
26 money unlawfully received by Respondent in violation of the Act. Accordingly, the \$15,000.00 paid
27 in commission is ordered returned to Steven Adler.
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ORDER

For the above-stated reasons, Respondent Steven Lobel is required to pay Petitioner Steven Adler, \$15,000.00 for the commissions illegally charged to Petitioner and received by Respondent in violation of the Talent Agencies Act.

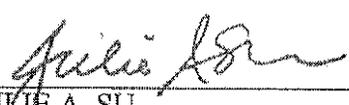
Dated: March 30, 2017

Respectfully submitted,

By 
MICHAEL N. JACKMAN
Attorney for the Labor Commissioner

ADOPTED AS THE DETERMINATION OF THE LABOR COMMISSIONER.

Dated: 8/28/17


JULIE A. SU
California Labor Commissioner

**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 29, 2017, I served the within **DETERMINATION OF CONTROVERSY** by placing a true copy thereof in an envelope addressed as follows:

Sabrina Ment, Esq.
LaPolt Law PC
9000 Sunset Blvd., Suite 800
West Hollywood, CA 90069

Steven Lobel

Steven Lobel

Bret D. Lewis, Esq.
12304 Santa Monica Blvd., Ste. 107A
Los Angeles, CA 90025

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 29, 2017, at San Diego, California.


JUDITH A. ROJAS

Case No. TAC-13172

PROOF OF SERVICE