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STATE OF CALIFORNIA
2 DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS ENFORCEMENT
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10 BEFORE THE LABOR COMMISSIONER
11 OF THE STATE OF CALIFORNIA
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13 LORI RYBUS, as Guardian Ad Litem for
the Minor Child, CHRISTOPHER
14 RYBUS,

15 Petitioner,

16 v.

17 JODY EDWARDS, in Individual dba
18 SUPERIOR TALENT AGENCY,

19 Respondent.
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CASE NO. TAC 12173

DETERMINATION OF
CONTROVERSY ON PETITION OF
LORI RYBUS, AS GUARDIAN AD
LITEM FOR THE MINOR CHILD,
CHRISTOPHER RYBUS

22 The above-captioned matter, a *Petition to Determine Controversy* under Labor
23 Code section 1700.44, came regularly for hearing on August 13, 2009 in Los Angeles,
24 California, before the undersigned attorney for the Labor Commissioner designated to
25 hear the matter. Petitioner LORI RYBUS, as guardian ad litem for the minor child,
26 CHRISTOPHER RYBUS (“Petitioner”) appeared in pro per. Respondent JODY
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1 EDWARDS, an individual dba SUPERIOR TALENT AGENCY (“Respondent) was
2 served with the *Petition to Determine Controversy* on or about July 13, 2009, but failed to
3 appear.
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5 Based on the evidence presented at the hearing and on the other papers on file in
6 this matter, the Labor Commissioner hereby adopts the following decision.
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8 FINDINGS OF FACT

9 1. On April 29, 2008, Petitioner, an actor, entered into a written agreement,
10 the *SAG Television Commercials Agency Contract*, to be represented by Jody Edwards, an
11 individual dba SUPERIOR TALENT AGENCY.
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13 2. During the course of her representation of Petitioner, Respondent sent
14 Petitioner on various auditions; and on his second audition, Petitioner secured an
15 appearance with United Front Media to appear in a national commercial for *DTV*.
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17 3. On June 26, 2008, Petitioner shot the *DTV* commercial for which he did not
18 receive any payment. The evidence presented establishes that on June 27, 2008,
19 Respondent invoiced United Front Media for the “DTV Session on 6/2[6]/08 Talent Fee
20 (1250.00 per spot x 3):Chris Rybus” in the amount of Three Thousand Seven Hundred
21 Fifty and No/100ths Dollars (\$3,750.00), also adding another Three Hundred Seventy-
22 Five and No/100ths Dollars (\$375.00) as an “Agency Fee.” Petitioner submitted a copy
23 of cancelled check number 1201 to Respondent from United Front Media: The check was
24 made in the amount of Four Thousand One Hundred Twenty-Five and No/100ths Dollars
25 (\$4,125.00), with a memo notation “for DTV-Chris Rybus.” The cancellation mark on the
26 back of the check shows instrument being negotiated by “Superior Talent Agency.”
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1 4. Notwithstanding several inquiries by Petitioner, Respondent continued to
2 allege she never received any payment from United Front Media for Petitioner's
3 commercial shot; but repeatedly told Petitioner she would "look into it." As of the date of
4 this hearing, Petitioner has still not received any monies for his work.

6 5. Petitioner filed the instant *Petition to Determine Controversy* on February
7 4, 2009, seeking payment of the \$3,750.00 in unpaid earnings, plus interest.

8 6. March 9, 2009, Respondent filed an *Answer*; however, on August 12, 2009,
9 the Labor Commissioner received signed correspondence from Petitioner admitting
10 "Christopher Rybus is owed monies due to him from the company Superior Talent
11 Agency" In that same letter, Respondent alleges that she is "in the process of filing a
12 Chapter 13 bankruptcy." However, no bankruptcy petition was presented to the Labor
13 Commissioner's office.
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LEGAL ANALYSIS

18 1. Petitioner, an actor, is an "artist" within the meaning of Labor Code section
19 1700.4(b).

21 2. At all times relevant, Respondent was a licensed talent agency.

22 3. Labor Code section 1700.44(a) provides in relevant part: "In cases of
23 controversy arising under this chapter, the parties involved shall refer the matters in
24 dispute to the Labor Commissioner"

26 4. Labor Code section 1700.25(a) requires all talent agents who receive
27 payment of funds on behalf of their client artists, shall disburse funds, less the agent's
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1 commission, within 30 days after receipt. The undisputed evidence presented here
2 established that Respondent failed to disburse \$3,750.00 in funds collected on behalf of
3 Petitioner within 30 days of receipt, as required under Labor Code section 1700.25(a), or
4 anytime thereafter. Accordingly, Petitioner is entitled to payment of his unpaid earnings
5 of \$3,750.00.
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7 5. The evidence presented also establishes Petitioner attempted on several
8 occasions to collect the unpaid funds from Respondent, but to no avail. Labor Code
9 section 1700.25(e) provides:
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11 If the Labor Commissioner finds, in proceedings under
12 Section 1700.44, that the licensee's failure to disburse funds to
13 an artist within the time required by subdivision (a) was a
14 willful violation, the Labor Commissioner may, in addition to
15 other relief under Section 1700.44, order the following: (1)
16 Award reasonable attorney's fees to the prevailing artist. (2)
17 Award interest to the prevailing artist on the funds wrongfully
18 withheld at the rate of 10 percent per annum during the period
19 of the violation.
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22 (*Id.*) Respondent repeatedly denied payment from United Front Media even after
23 immediately receiving payment following the commercial shoot. The undisputed
24 evidence presented establishes that Respondent collected \$3,750.00 in funds meant for
25 Petitioner and retained those funds without regard for Petitioner. Accordingly, we find
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1 that Respondent willfully violated Labor Code section 1700.25(a); and therefore, award
2 Three Hundred Seventy-Eight and No/100ths Dollars (\$378.00) in interest.¹

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4 6. Lastly, we find that Petitioner is entitled to recover from the \$50,000.00
5 bond posted by Respondent with the Labor Commissioner as a condition of being licensed
6 as a talent agent.

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8 **ORDER**

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10 For the reasons set forth above, IT IS HEREBY ORDERED that Petitioner LORI
11 RYBUS, as guardian ad litem for the minor child, CHRISTOPHER RYBUS, is entitled to
12 collect Four Thousand One Hundred Twenty-Eight and No/100ths Dollars (\$4,128.00).

13 The award to Petitioner is apportioned as follows:

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15 1. Unpaid Earnings in the amount of \$3,750.00; and
16 2. Interest on the unpaid earnings pursuant to Labor Code section 1700.25(e),
17 calculated at 10% per annum from the date the earnings were due to be paid to Petitioner
18 under Labor Code section 1700.25(a) until the date of this hearing, August 13, 2009, in
19 the amount of \$378.00; and

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27 ¹ Interest on unpaid earnings is calculated at 10% per annum from the day the payment
28 was due to the Petitioner by Respondent, i.e., 30 days following receipt of the check, to the date
of this hearing, August 13, 2009.

