

1 DIVISION OF LABOR STANDARDS ENFORCEMENT  
2 By: FRANK C. S. PEDERSEN,  
3 Special Hearing Officer  
4 525 Golden Gate Avenue - Room 606  
5 San Francisco, California 94102  
6  
7  
8 Telephone: (415) 557-2516  
9  
10 Attorneys for the Labor Commissioner

8 BEFORE THE LABOR COMMISSIONER  
9 STATE OF CALIFORNIA

10 PF LAZOR, )  
11 )  
11 Petitioner, ) NO. TAC 28-80  
12 ) SF MP 92  
12 vs. )  
13 )  
13 ROBBYN ESPERANCE, ) DETERMINATION  
14 aka ENTERTAINMENT, )  
15 )  
15 Respondent. )  
\_\_\_\_\_ )

16  
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 the sum of \$98.00 paid to respondent Robbyn  
3 Esperance as commissions was illegally obtained as respondent  
4 was not licensed. Robbyn Esperance is therefore directed to  
5 return to PF Lazor the sum of \$98.00.

6 2. That the other matters alleged by petitioner relate  
7 to a contract between petitioner and the Holiday Inn in Vacaville  
8 and are matters over which the Labor Commissioner has no juris-  
9 diction.

10 DISCUSSION

11 Petitioner is an artist within the meaning of Section 1700.4  
12 of the Labor Code and played an engagement at the Holiday Inn  
13 at Fairfield through the efforts of respondent, who was not  
14 licensed as a talent agency.

15 Petitioner paid a 10% commission to respondent in the sum  
16 of \$98.00. Petitioner also alleged other damages relating to  
17 money collected at the door. It was explained to petitioner  
18 that these matters were matters between him and the Holiday Inn  
19 and could not be the subject of a talent agency controversy.

20 The Hearing Officer now makes the following Findings of  
21 Fact and Conclusions of Law:

22 FINDINGS OF FACT

23 1. That petitioner is an artist within the meaning of Sec-  
24 tion 1700.4 of the Labor Code.

25 2. That petitioner paid respondent the sum of \$98.00 as  
26 a commission of 10% on money received by him from the Holiday  
27 Inn.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

3. Respondent was not licensed as a talent agency and did procure employment for petitioner.

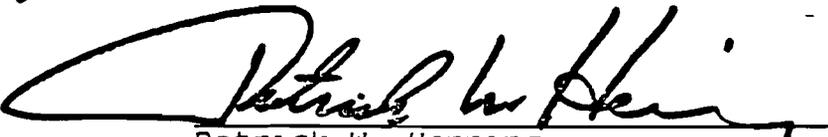
CONCLUSIONS OF LAW

Respondent Robbyn Esperance, aka Entertainment, did procure employment for petitioner without being properly licensed and is therefore directed to return the sum of \$98.00 commission to petitioner.

DATED: January 22, 1982.

  
Frank C. S. Pedersen  
Special Hearing Officer

ADOPTED: *January 26, 1982*

  
Patrick W. Henning  
Labor Commissioner  
State of California