

City Hall East  
200 N. Main Street  
Room 800  
Los Angeles, CA 90012

(213) 978-8100 Tel  
(213) 978-8312 Fax  
CTrutanich@lacity.org  
www.lacity.org/atty



**CARMEN A. TRUTANICH**  
City Attorney

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Recently it has come to the attention of this Office that you, or a member of your staff, may have been featured at what is commonly referred to as a "casting workshop."

The purpose of this letter is to place you on notice that new laws regulating the talent service industry (known as "*The Krekorian Talent Scam Prevention Act of 2009*") became effective January 1, 2010. These laws affect a broad range of businesses, including **casting workshops**.

A willful violation of any provision by a talent service, its owner, officer, agent, director, agent or employee is punishable as a misdemeanor, with a maximum penalty for each offense of six months in county jail and a fine of \$10,000 (See Labor Code §1704.)

**Please note that the talent service itself is not the only potential offender:**  
**A person who aids and abets a violation of this statute is also criminally liable.**  
(See Penal Code §31).

This notice is being sent to other casting directors, associates and representatives, and to motion picture studios, among others, to ensure industry-wide understanding of the new laws and to obtain maximum compliance. Your selection as a recipient of this letter is not necessarily indicative of any wrongful past conduct.

#### **OVERVIEW OF "KREKORIAN TALENT SCAM PREVENTION ACT:**

The "**Krekorian Talent Scam Prevention Act**" is available in it's entirely at [www.leginfo.ca.gov](http://www.leginfo.ca.gov). First, click on "**California Law.**" Then click on "**Labor Code.**" Then scroll down on the right to Sections 1701 through 1705.

The *Krekorian Talent Scam Prevention Act of 2009* divides the fee-related talent service industry into four (4) categories:

- (1) Advance Fee Talent Representation Services → Now Prohibited
- (2) Talent Training Services → Permitted, must comply with regulations
- (3) Talent Counseling Services → Permitted, must comply with regulations
- (4) Talent Listing Services → Permitted, must comply with regulations

## I. Advance Fee Talent Representation Service:

An "Advance Fee Talent Representation Service" is illegal.

Labor Code §1702 states:

"No person shall own, operate, act in the capacity of, advertise, solicit for, or knowingly refer a person to an advance-fee talent representation service."

"Person" means an individual, company, society, firm, partnership, association, corporation, limited liability company, trust, or other organization."

(See Labor Code §1701(e))

An Advance-Fee Talent Representation Service is defined in Labor Code §1702.1:

"(a) 'Advance-fee talent representation service' means a person who provides or offers to provide, or advertises or represents itself as providing, an artist, directly or by referral to another person, with one or more of the following services described below, provided that the person charges or receives a fee from or on behalf of an artist for photographs, Internet Web sites, or other reproductions or other promotional materials as an artist; lessons, coaching, seminars, workshops, or similar training for an artist; or for one or more of the following services:

- (1) Procuring or attempting to procure an employment opportunity or an engagement as an artist.
- (2) Procuring or attempting to procure an **audition** for an artist.
- (3) Managing or directing the development of an artist's career.
- (4) Procuring or attempting to procure a talent agent or talent manager, including an associate, representative, or designee of a talent agent or talent manager.

(b) "Advance-fee talent representation service" also means a person who charges or receives a fee from, or on behalf of, an artist for any product or service required for the artist to obtain, from or through the person, any of the services described in paragraphs (1) to (4), inclusive, of subdivision (a)."

"Audition" is defined in Labor Code §1701(b):

"**Audition**' means any activity for the purpose of obtaining employment, compensated or not, as an artist whereby an artist meets with, interviews or performs before, or displays his or her talent before, any person, including a producer, a director, or a casting director, or an associate, representative, or designee of a producer, director, or casting director, who has, or is represented to have, input into the decision to select an artist for an employment opportunity. An "audition" may be in-person or through electronic means, live or recorded, and may include a performance or other display of the artist's promotional materials."

Consequently, if a casting workshop qualifies as an "Advance Fee Talent Representation Service," it would be an unlawful business.

**Please be assured that a casting workshop's disclaimer that it is not for the purpose of obtaining employment, or that the workshop is not an "audition" is not controlling.**

Factors that may indicate a workshop is indeed for the purpose of obtaining employment (as opposed to a training event) includes whether the actor provides his/her headshot or other promotional materials for the casting person to keep (unnecessary for a pure teaching or counseling experience), the manner in which the workshop itself is conducted and/or the workshop's advertising, for example:

*"We want to give a shout out to 5 performers who got cast from our workshop"*

*"Jane Doe Casting will be here, currently casting for (name of show)"*

*"Meet Casting Director John Doe who says: 'Last year we used 100 workshop actors.'"*

## **II. OTHER TALENT SERVICES:**

Even if the workshop does not qualify as a "advance fee talent representation service" it may still be required to comply with the provisions set forth in Labor Code §1703, which applies to talent training services, talent counseling services and talent listing services.

Labor Code §1701(j) "**Talent training service**" means a person who, for a fee from, or on behalf of, an artist, provides or offers to provide, or advertises or represents itself as providing, an artist, directly or by referral to another person, with lessons, coaching, seminars, **workshops**, or similar training as an artist."

Labor Code §1701(f): "**Talent counseling service**" means a person who does not manage or direct the development of an artist's career and who, for a fee from, or on behalf of, an artist, provides or offers to provide, or advertises or represents itself as providing, that artist, directly or by referral to another person, with career counseling, vocational guidance, aptitude testing, or career evaluation as an artist."

Labor Code §1701(g) "**Talent listing service**" means a person who, for a fee from, or on behalf of, an artist, provides or offers to provide, or advertises or represents itself as providing, an artist, directly or by referral to another person, with any of the following:

- (1) A list of one or more auditions or employment opportunities.
- (2) A list of talent agents or talent managers, including an associate, representative, or designee thereof.
- (3) A search, or providing the artist with the ability to perform a self-directed search, of any database for an audition or employment opportunity, or a database of talent agents or talent managers, or an associate, representative, or designee thereof.

(4) Storage or maintenance for distribution or disclosure to a person represented as offering an audition or employment opportunity, or to a talent agent, talent manager, or an associate, representative, or designee of a talent agent or talent manager, of either of the following: (A) an artist's name, photograph, Internet Web site, filmstrip, videotape, audition tape, demonstration reel, resume, portfolio, or other reproduction or promotional material of the artist or (B) an artist's schedule of availability for an audition or employment opportunity."

If the casting workshop qualifies as either one of these services, it must file a \$50,000 bond with the Labor Commissioner, comply with various contract provisions, make refunds and permit cancellation under specified conditions, comply with advertising requirements, maintain and provide designated records to law enforcement and refrain from enumerated prohibited acts. If you would like to obtain a copy of my letter to talent services explaining in more detail about these requirements, please send an email to [mark.lambert@lacity.org](mailto:mark.lambert@lacity.org).

In conclusion, all appropriate efforts should be made to ensure full compliance with the requirements of state law described above. The City Attorney's Office is monitoring the talent service industry closely, and reserves the right to take any criminal or civil enforcement action necessary to abate and punish violations of these laws.

Please understand that public prosecutors are not authorized to provide private legal counsel, such as reviewing or approving the operation of a particular talent service.

Very truly yours,  
CARMEN A. TRUTANICH  
Los Angeles City Attorney

By



MARK LAMBERT  
Deputy City Attorney  
Consumer Protection Section