

Department of Industrial Relations
DIVISION OF LABOR STANDARDS ENFORCEMENT
Licensing & Registration Unit
1515 Clay Street, Suite 401
Oakland, CA 94612
Tel no. (510) 285-3397 Fax (510) 286-1366



IMPORTANT INFORMATION AND INSTRUCTIONS FOR NEW AND RENEWAL APPLICANTS FOR TALENT AGENCY LICENSE

READ ALL INFORMATION AND INSTRUCTIONS CAREFULLY !!

PLEASE see the website of the Division of Labor Standards Enforcement (DLSE) at http://www.dir.ca.gov/dlse/Talent%20Agency_License_and_Fee-Related_Talent_Services.htm for further information and/or clarification and to download the application form and required supporting documentation. If you have questions not addressed by this document or the website, or to request that an application package be mailed to you, please call the Talent Agency Program at 510-285-3397.

GENERAL INFORMATION

Correspondence: Original signatures are required; therefore, we cannot accept submission by FAX. Correspondence should be addressed as follows:

U.S. Mail or Personal Delivery (UPS, DHL, FedEx, etc.):
Department of Industrial Relations Division of Labor
Standards Enforcement LICENSING AND
REGISTRATION UNIT
1515 Clay Street, Suite 401
Oakland, CA 94612

NOTE: The name and address as shown on all forms and documents submitted must be exactly the same. Any difference in either name or address will delay the issuance of a license.

Duration of License (Labor Code section 1700.10):

The license when first issued shall run to the next birthday of the applicant, and each license shall then be renewed within the 30 days preceding the licensee's birthday and shall run from birthday to birthday. In case the applicant is a partnership, such license shall be renewed within the 30 days preceding the birthday of the oldest partner. If the applicant is a corporation, such license shall be renewed within the 30 days preceding the anniversary of the date the corporation was lawfully formed. Renewal shall require the filing of an application for renewal, a renewal bond, and the payment of the annual license fee, but the Labor Commissioner may demand that a new application or new bond be submitted.

If the applicant or licensee desires, in addition, a branch office license, he shall file an application in accordance with the provisions of this section as heretofore set forth.

Filing and License Fees:

Filing Fee:	\$ 25.00...plus
Main Office License Fee:	<u>\$225.00</u>
Total	\$250.00...plus
Branch Office License Fee (if any)	\$ 50.00 for each office location

The DLSE Licensing & Registration Unit offers online payment of fees by accessing http://www.dir.ca.gov/dlse/Online_Payment.html. You will be linked to the third party provider FreedomPay. Payments may be made using your American Express, Discover and MasterCard credit cards. FreedomPay charges a convenience fee to use its service to make a payment. This fee is separate and distinct from the primary obligation that you are paying. The convenience fee is included in the "Total Payment Amount" line. You will receive an electronic receipt for payments made. Please be sure to print out your receipt as we will not be able to provide a duplicate receipt.

NOTE: Unfortunately, payments using this system cannot be processed using a VISA credit card. ***If VISA is the only card available to you, you will be required to submit your payment via certified check, cashier's check or money order made payable to Division of Labor Standards Enforcement.***

NOTE: Fees cannot be prorated; thus the full amount must be paid irrespective of the length of time remaining before the expiration of the license.

Record Keeping:

Every talent agency must maintain the following records for each artist whom it manages, and these records must be available for inspection during all reasonable hours (California Labor Code sections 1700.26 and 1700.27). These records should be kept for four years:

- The name and address of each artist employing the talent agency
- The amount of fee received from the artist
- The beginning date and the ending date of any contract entered into between the artist and the talent agency
- The name and address of the employer, and the inclusive dates and type of service of each employment engaged in by the artist during his or her term of contract with the agency
- The compensation received by each artist for each engagement
- The amount of fee due the talent agency and the amount of fee paid to it by the artist for each engagement
- A record of all funds received on behalf of an artist and the disposition of the funds

Subagents Ruled Employees:

Should you as a talent agency, employ any subagents to act on your behalf you must, under the law, treat such subagents as bona fide employees. In explanation of this, the following is a partial list of points that distinguish an independent contractor from an employee:

- An independent contractor is legally a self-employed person who is not subject to the common direction and control of his/her principal as to the manner, method, and means of accomplishing his/her work.
- An employee is always subject to direction and control by his/her employer, although the employer need not always exercise such direction and control.

Since a talent agency must always be responsible for and have complete control over the operation of the business, including the manner, method and means by which the work is accomplished, it necessarily follows that he/she cannot have independent contractors working as subagents. Such subagents must instead be bona fide employees.

Furthermore, an independent contractor-subagent would himself/herself be in violation of the law since he/she would be performing the functions of a talent agency but would not be protected by a license. (See California Labor Code section 1700.20).

In line with the foregoing, please be certain that any and all subagents working under your license are treated as bona fide employees and are so designated on your payroll.

If you have employees, you must be insured for workers' compensation as required by California Labor Code section 3700. Proof of such insurance (Certificate of Workers Compensation Insurance) must be issued by the insuring entity and must show the name of the legal entity, the fictitious business name (if any), complete, correct and current physical address as well as the effective date of the Workers' Compensation Insurance policy.

FORM-SPECIFIC INFORMATION AND INSTRUCTIONS

The following is a list of documentation REQUIRED to be submitted with your *Talent Agency License Application* (DLSE 351 (Rev. 1/09)):

- Bond (DLSE 306)
- Affidavit of Character (DLSE 301-A)
- Personal Record (DLSE 301-B)
- Premise Certification
- Sample – Nonexclusive Contract Between Artist and Talent Agency (DLSE 315A) (Rev. 09/10)
- Sample - Exclusive Contract Between Artist and Talent Agency (DLSE 315B) (Rev. 09/10)
- Sample – Fee Schedule (DLSE 315C)
- Certificate of Workers' Compensation Insurance
- Copy of Driver's License/Photo ID
- Fictitious Business Name Statement (if applicable)
- Articles of Organization (if limited liability company)
- Articles of Incorporation and State of Domestic Stock (if corporation)
- Business Tax Registration Certificate (if business is at residence)
- Appropriate licensing fee (explanation above)

In addition to the above documentation, you are required to submit to the appropriate agency, which will in turn verify your compliance directly to DLSE (explanation below), the following:

- Request for Live Scan Service

Application for Talent Agency License (DLSE 351 (Rev. 1/09)):

NEW AND RENEWAL APPLICANTS

- The Application for Talent Agency License must be completed, dated and signed by (1) the individual applicant; or (2) all of the general partners; or (3) an authorized corporate officer. The corporate seal must be affixed.
- Enter birth date of the individual owner; the birth date of the oldest general partner; or if a corporation, the date of incorporation (**See** Application, item No. 10)

Affidavits of Character (DLSE 301-A (Revised 6/10)):

ALL NEW APPLICANTS

RENEWAL APPLICANTS: ONLY IF ADDING OFFICER OR MEMBER TO AN EXISTING CORPORATION OR LLC

- Two Affidavits of Character must be completed for (1) each individual owner, (2) *or* by each of the general partners, (3) *or* by each of the corporate officers if a corporation, (4) *and* by each person with managing responsibility in the business.

Personal Record (DLSE 301-B (Revised 6/10)):

ALL NEW APPLICANTS

RENEWAL APPLICANTS: ONLY IF ADDING OFFICER OR MEMBER TO AN EXISTING CORPORATION OR LLC

- The Personal Record must be completed for each individual for whom an Affidavit of Character is required. The persons executing the affidavits should be over 18 years of age and not related to the applicant.

Contracts:

ALL NEW APPLICANTS

- Only sample contracts between the artist and the agency need to be submitted for approval.
- See sample contract forms: Nonexclusive Contract Between Artist and Talent Agency (DLSE 315A (Rev. 9/10)) and Exclusive Contract Between Artist and Talent Agency (DLSE 315B (Rev. 9/10)).
- Submit three (3) copies of each form general services contract, one of which will be certified and returned to you.
- All contracts submitted must contain the provisions set for in section 12001 of the California Code of Regulations.

- Copies of SAG, AFTRA, AfofM, AGVA, Writers' Guild and Directors' Guild contracts need not be submitted for approval by the Labor Commissioner. If you intend to use these contracts, submit a letter to the Labor Commissioner stating which of the guild contracts you intend to use.

Schedule of Fees:

ALL NEW APPLICANTS

- See sample Schedule of Fees (DLSE 315C (Rev. 9/10)).
- Submit for approval three (3) copies of the Schedule of Fees to be used, one of which will be certified and returned to you. The certified copy must be posted in a conspicuous place in the office of the talent agency.
- The Schedule of Fees must, at a minimum, contain the language specified in the sample Schedule of Fees (DLSE 315C) and as required by California Code of Regulations section 12003.5.
- Allow 2 ½ inches of blank space at the bottom of the schedule for certification.
- Changes in the Schedule of Fees may be made but no changes shall become effective until seven (7) days after the date of filing the changes with the Labor Commissioner and not until posted for not less than seven (7) days in the office of the talent agency.

NOTE: No talent agency shall collect a registration fee from an artist. (California Labor Code section 1700.40(a))

Premise Certification

ALL NEW APPLICANTS

RENEWAL APPLICANTS: ONLY IF OFFICE ADDRESS HAS CHANGED

- A Premise Certification in the format provided, dated and with an original signature of the Talent Agent must be submitted with your application.

Talent Agency Bond (DLSE 306 (Rev. 5/99))

NEW AND RENEWAL APPLICANTS

- It is mandatory that the BONDING COMPANY execute the prescribed Talent Agency Bond (DLSE 306 Rev. 5/99). The ORIGINAL must be submitted to the Labor Commissioner's Office.
- The legal entity as shown on the bond must be the entity applying for the license.
- **The signature of the bonding company representative must be notarized.**

Request for Live Scan Service

ALL NEW APPLICANTS

RENEWAL APPLICANTS: ONLY IF ADDING OFFICER OR MEMBER TO AN EXISTING CORPORATION OR LLC

- Fingerprint images are required for individual owner, ALL partners, ALL corporate officers and EACH member of a limited liability company. The original of the form BCCII 8016 (3/07) with appropriate service reference number #100105 must be submitted to the live scan site.
- A current listing of live scan sites offering electronic fingerprint services is available to the public on the Attorney General's website at <http://ag.ca.gov/fingerprints/publications/contact.php>.
- PLEASE NOTE: You must present valid photo identification when being fingerprinted. Expired identification will not be accepted.
- A fingerprint-rolling fee may be collected from you at the live scan site. The fee varies among live scan locations so check the cost and restrictions on method of payment at the website above.
- Once the submission is received and processed, the Department of Justice **will respond directly to the DLSE either electronically or by US mail**. You will not receive a response from the Dept. of Justice.

ADDITIONAL REQUIRED DOCUMENTATION

Workers Compensation Certificate

ALL NEW AND RENEWAL APPLICANTS

- If there are employees or subagents, a Certificate of Workers' Compensation Insurance (WCI) issued to the applicant and certificate holder by the applicant's insurance carrier evidencing that the applicant has a current workers compensation insurance policy is required. The Certificate shall reflect the Division of Labor Standards Enforcement and the San Francisco office address as valid certificate holder. The Certificate shall contain the owner's name(s) or legal entity if a partnership or corporation, dba if applicable, current street address, effective and expiration dates, and a policy number.

Fictitious Business Name Statement

ALL NEW APPLICANTS

- If using a dba other than the legal entity name, submit a copy of your Fictitious Business Name Statement.

Articles of Organization

ALL NEW APPLICANTS

- If a limited liability company, submit a copy of the Articles of Organization

Articles of Incorporation and Statement of Domestic Stock

ALL NEW APPLICANTS

- If the applicant is a corporation, submit a copy of the Articles of Incorporation and Statement of Domestic Stock
- If the applicant is a foreign corporation (out of state) submit a Certificate of Qualification evidencing that the corporation is qualified to do business in California

Driver's License or Photo ID

ALL NEW APPLICANTS

RENEWAL APPLICANTS: ONLY IF ADDING OFFICER OR MEMBER TO AN EXISTING CORPORATION OR LLC

- A copy of a valid Driver's License or photo ID is required for each individual owner, ALL partners, ALL corporate officers and EACH member of a limited liability company.

Zoning Permit or Home Occupation Permit

ALL NEW APPLICANTS

RENEWAL APPLICANTS: ONLY IF YOU CHANGED YOUR ADDRESS

- If your business address is a residence, you must submit a copy of the valid zoning permit or Home Occupation Permit issued by your local city or county government.

AN INCOMPLETE APPLICATION, INCLUDING INCOMPLETE SUBMISSION OF REQUIRED SUPPORTING DOCUMENTATION, WILL DELAY THE ISSUANCE OF YOUR LICENSE. IF YOU ARE SUBMITTING A RENEWAL APPLICATION, TO AVOID A LAPSE IN THE EFFECTIVE DATE OF YOUR LICENSE, PLEASE RETURN YOUR APPLICATION PACKAGE, WITH FEES AND DOCUMENTATION, AT LEAST 90 DAYS PRIOR TO THE EXPIRATION OF YOUR LICENSE.