

ABSTRACT

California Labor Commissioner rules that personal manager did not "procure employment" for members of "Big Soul" by obtaining their songwriting services for his own music publishing company, and therefore manager did not need talent agency license

In a rare victory for personal managers, the California Labor Commissioner has ruled that George Tobin did not "procure employment" for his management clients by signing them to a music publishing agreement with his own publishing company. Since Tobin had not sought to procure employment for his clients, Kelleth Chinn and Caroline Wampole who perform under the name "Big Soul," the Commissioner concluded that Tobin had not violated California Labor Code section 1700.5 which requires those who procure employment to have a talent agency license.

The Commissioner rejected Tobin's argument that an exemption that permits unlicensed managers to procure recording contracts should be extended to cover music publishing contracts as well - even where (as in this case) the publisher obtains rights only to songs that are recorded. The Commissioner said that exemptions should be narrowly construed.

Nonetheless, no such exemption was necessary in this case, because Tobin himself owned the music publishing company to which Chinn and Wampole were signed. An employer does not "procure employment," the Commissioner explained. A talent agency license is necessary only when the representative seeks to obtain employment for a client with third parties.