

# Legitimate Questions

## What to Ask a Modeling Agency Before Signing a Contract or Spending any Money

There are so many illegitimate modeling agencies which can be avoided by asking legitimate questions. Legitimate questions enable you to determine if a modeling agency is legitimate. Those who were scammed over the years failed to ask the legitimate questions. Many parents and aspiring models diving into the modeling industry don't know what questions to ask. Asking a modeling agency the following questions which are based on past modeling agency scams prosecuted by the government could help you reduce the chances of being scammed to virtually zero. These specific questions help answer the general questions: 1) Is it legal? 2) Is it ethical? and, 3) Is it successful? Remember these general questions as the L.E.S. Test: Legal, Ethical, Successful.

### Are you a modeling agency?

Too many people make the mistake of assuming a modeling company is a modeling agency. But it may not be. There are modeling companies which are not agencies. There are modeling companies which don't want to do the heavy lifting of actually finding models work; instead they prefer the easy job of selling products and services to models before the models get work. Some modeling companies are deceptive—they act and recruit like modeling agencies—but they aren't. Modeling schools have been known to do this to create the false impression you are closer to getting work as a model than you really are. Do not confuse a modeling agency with a modeling school or a modeling manager or a modeling convention or model search. Ask them if they are a modeling agency which works directly with clients and actually books models jobs. Do they have booking agents? How many?

### Do you have a modeling agency license?

A modeling agency is a business and a business should have a business license, but a basic business license is not necessarily enough. Find out if they need a modeling agency license and/or check to see if they have one. In some states, the actual modeling agency license is called a "talent agency" license or an "employment agency" license (employment for models), and is issued or revoked by the Department of Labor, or a branch of the state's DOL. There are agencies which deny they are agencies. Don't assume that just because a firm says they don't have a modeling license because they don't need one, that they are necessarily telling the truth. Some say this trying to evade the laws against scams. Review the state law yourself or ask a lawyer who specializes in employment law or entertainment law to review it for you to determine if they meet the state's legal definition of a modeling/employment agency. There are databases, some online, which show who has a license or if it expired.

### Who is the owner of the modeling agency?

The background of the modeling agency owner is very important. You need to know this information to do a background check. It is not enough to check the history of just the modeling agency; you also need to know if the owner has been in trouble with the law in general or in trouble in the modeling industry in particular. You should not make a commitment—financial or contractual—to

an agency before you know the name, reputation, and history of its owner. The staff can come and go; the owner remains the same. If the staff or company is running a scam, it's because of the owner. The fish rots from the head down.

### **How long has the modeling agency been in business?**

Setting up a modeling agency is often very easy—some would say too easy. Many scams don't last and the company never intended to stay in business very long. It sets up quickly and disappears quickly. It closes or moves before it gets into big trouble and gets shut down by the government. Any modeling agency which is less than five years old, unless owned by a well-known or highly experienced modeling industry professional who just branched out on his own, for example, needs greater scrutiny. Look out for agencies that tell you the cumulative total number for years of industry experience their staff has. They could say 20 years, for example, when they have a staff of 20. Also beware of agencies that refer to the number of years the company has been in business, but fail to reveal its current owner is not the first owner. The original owner could have had 20 years of experience; the current owner only one year.

### **How many models does your modeling agency represent?**

This information gives you an idea whether you'll be a big fish in a small pond or a small fish in a big pond. If, when you are starting out, you want the personal attention of a small or boutique modeling agency, you may not find it in a large agency; you could get lost, ignored, or abandoned by a large agency. They don't have to be as committed to you, don't have to answer your questions, or show you as much respect, because they can offer auditions to other models; simply put, they are not as dependent on you for their income. If the agency has been around for 10 years and represents 1,000 models, for example, it indicates they may well be getting many models a lot of work. It is not proof but at least it gives you a basis to ask a very important followup question.

### **What percentage of the models your modeling agency represents get paying work?**

Modeling agency websites often share a few success stories. You could project or assume these are only a sample of many, but they could be their only success stories. The best way to know your chances of getting work through a particular agency is to know their success rate at booking. One agency has even recommended you specifically ask an agency this question before you sign. It is especially important to ask this question of child modeling agencies, because so little work is available for kids. One child modeling agency which the federal government shut down represented over 100,000 kids, but 99% did not get paying work more than the agency's upfront fee. If you were to only ask the number of models they represented, but not also their success rate, you would easily be tricked.

### **What are the average earnings of the models your modeling agency represents?**

Baby or child models often earn very little. There is little work and the photo shoot could only last one hour. The earnings may be only \$250. If you applied for a regular job, you would want to know the salary for the position. Modeling agencies don't give salaries, because you don't work for them, so you have to ask another question to determine the average annual earnings of its models. Then you will know if it is not high enough to interest you or whether getting promotional materials with

the agency's logo on them is worth it. For example, they may want you to spend \$1,000 on photography, but only 1% of their models earned \$1,000 last year. It will also give you an idea of the type of modeling jobs the modeling agency gets its models, because, for instance, print modeling jobs pay much more than promotional modeling jobs.

### **What type of modeling jobs does your modeling agency get its models?**

Aspiring models in the past have made the false assumption that every modeling agency gets models print modeling jobs, because they see models in print. If the agency says nothing to counter this assumption—and sometimes it is to their advantage to say nothing—you can sign up with an agency that may only offer promotional modeling jobs and no print modeling jobs. That's fine if you want promotional jobs, but useless if you don't. There can indeed be vast differences between modeling agencies in the type of work they get models, and you may never know what a particular agency can do for you unless you ask. Figure out what kind of modeling you want to do, then look for an agency which provides its models many of those kind of modeling job auditions and books many of those kind of jobs. If it's print modeling you want, look for tear sheets, physical evidence of bookings.

### **What is the breakdown in the types of modeling your modeling agency get its models?**

It is not uncommon for a modeling agency to say it is a “full-service agency.” In other words, it offers to get work in all types of modeling from promotional to print, etc. But it is much more useful to know the breakdown, what percentage of the work is print, what percentage is promotional. How much is runway? How much is editorial? There are deceptive agencies which say they can get print and promotional work; while that is technically true, 99% of their jobs are promotional, and only 1% print.

### **Can I have a blank copy of your modeling agency contract?**

Would you sign a three- or five-year exclusive modeling contract without having a lawyer review it first? Lawyers have a trained eye to discern whether or not a contract is a) legal, and, b) fair. Even if you cannot afford a lawyer, you can pore over a contract and think it over carefully—unrushed—if you have a copy of it in front of you at home. You should be able to figure out if it is one-sided, requiring virtually nothing from the agency, a phony commitment. Examine the disclaimers carefully. The contract may also answer the question about whether the company is actually an agency. Any agency that will not let you take the contract home and review it before signing typically has an ulterior motive and hopes to pressure you into signing and paying before you find out it is a scam.

### **Is your modeling agency also a modeling school?**

There are different types of modeling firms which may look very similar, but they are not the same, and the distinctions are significant. You can find, for instance, a modeling agency; a modeling agency–modeling school; and a modeling school. A legitimate modeling agency is a modeling agency only, not a modeling agency *and* a modeling school. Legitimate modeling agencies train their models free, if training is necessary. They do not charge for classes; otherwise there is a conflict of interest. Scammers recruit because they can sell you expensive classes and pictures, not because they can get you work as a model. They mislead you into thinking you need to take classes to become a model, when you don't, or that the classes will significantly help you become a working

model, when they won't. They also mislead you into thinking you need professional pictures to get signed by an agency when you don't.

**Does your modeling agency sell photography, comp cards, or portfolios?**

Photo mills, one of most common modeling industry scams, have been run by modeling agencies making money off, and usually secretly splitting fees with, photographers, hairstylists, stylists, printers, et al. Agencies should not be selling photographic promotional materials, because it is a conflict of interest. The scams of the past involved agencies making money from models by selling photography, cards, and portfolios, so the agency made most if not all its money from sales instead of commissions. The models paid for pictures but did not get work. They lost money instead of making money. The first clue that something is not right is if the payments are made to the agency, not the photographer or printer. When that happens, how do you know that the agency is not jacking up the price behind your back? Some photo mill scams charge the model \$1,000 for photography when the photographer only charges \$100. It is much easier for an agency to scam you when the payments are made to them. An agency may suggest you pay them because it is more convenient to make a single payment they then divide with the photographer, hairstylist, and printer. Are they trying to help you or help themselves to your money? It is risky to pay them unless they volunteer to provide you with a copy of the invoices from the service providers; only then can you see if you were overcharged.

**Does your modeling agency make any money from models before they work or are you commissions-only?**

The legal standard in some states and the ethical industry standard in every state is a modeling agency only draws its income from commissions. If you don't work, they don't get paid. Unless and until you work, they don't get a red cent from you. ***They have to earn their money.***

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