

Turning Dreams into Nightmares:

Modeling. and Talent Agency Scams

A report by the
City of New York
Department of Consumer Affairs
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I. EXECUTIVE SUMMARY

Every year thousands of would-be models and actors flock to New York, eager to enter a world of beauty, fame, and fortune. But much like immigrants who thought that America's streets were paved with gold, these dreamers face a harsh reality and a hard road. Not surprisingly, many land at rogue modeling and talent agencies -- where dream merchants take hundreds or thousands of dollars for second-rate services. These dream merchants were the focus of a summer-long undercover investigation by the New York City Department of Consumer Affairs.

Becoming a model or an actor can enrich someone's life, in terms of wealth and experience, or rob them of their savings. Aspiring models and actors require several different services, such as agents and photographers, to be active in the business. Other than a legitimate agent, a quality photographer and, for actors, a good coach, other businesses are rarely much help to an aspiring performer. But how is a newcomer to know, when so many businesses hype their unnecessary services as the way to achieve stardom? In fact, some disreputable firms "guarantee" success to every person who walks through their door -- the first hint to be wary.

Few people know that Clara "Where's the Beef" Peller, the famous former spokeswoman for Wendy's hamburger chain, "made it" simply by being in the right place at the right time -- a manicurist in Chicago where scouting agents happened to be on the lookout. In fact, there are opportunities for ordinary-looking people in acting and modeling, but unless a person fits a fairly specific "type," it's difficult to succeed in the business. If people dream of success in acting or modeling, they should try it out. But consumers need

to learn *first* what to expect -- what is legitimate business protocol and what is not.

Otherwise, misleading promises will lure starstruck wannabes, and scam artists will rip off the unwary.

Scam artists typically advertise as talent or model "managers" in the "help wanted" section of newspapers or, in the subways, promising high earnings to people of all shapes and sizes, regardless of previous acting or modeling experience. Prospective models are promised lots of work, but only *after* they purchase photographs costing hundreds of dollars. After clients pay for pictures, often taken by the "recommended" or on-site photographer, and often of very poor quality, the clients seldom hear from the so-called talent agencies. Few consumers are aware that it is illegal for employment agencies to have any incidental service, such as a photography studio, on the premises, or to require payment for such incidental service. These businesses may call themselves model managers, but if they're leading consumers on by false promises of work and charging high fees for their own photographic work, they are scam artists. Legitimate agents and managers do not charge advance fees, nor do they disguise fees as payment for incidental services.

Typical scams by unscrupulous talent and model agencies include:

- making inflated promises to get jobs for clients,
- persuading consumers to pay too much money for often bad quality photographs,
- failing to disclose up-front the full costs of photos and other services,
- not disclosing the financial connection between the agents and the photographers,
- sending out "you have been selected" mailings falsely claiming that the recipient is receiving special treatment,

- making false claims about the circulation and overall effectiveness of "print books," publications containing listings and photos.

Consumer complaints to the Department of Consumer Affairs and the Better Business Bureau. At Consumer Affairs, complaints about modeling and talent agency abuses have risen from 170 in 1990 to 218 in 1992 and to 212 in 1993 through mid-September. Out of 100 categories of businesses, -modeling and talent agencies ranked as the 12th most complained about industry from January through mid-September 1993.

The Better Business Bureau (BBB) also handles inquiries and complaints about model and talent agencies. From 1991 to 1992, inquiries surged 30% from 5,700 to 7,500, making it the third most inquired about industry, up from seventh place in 1991. The BBB has received 5,498 inquiries and 85 complaints by August 1993. This rank in inquiries is surpassed only by the financial services and consumer electronics categories. Of the 15 New York City business categories most called about to the Better Business Bureau, 40% are modeling and talent related.¹

While these growing numbers are significant, the number of actual complaints is just the tip of the iceberg. Rip-offs abound in the modeling and talent businesses, but most victims don't complain. One reason is that many people who visit modeling and talent agencies are young, naive, and unaware of the legal authority and help offered by Consumer Affairs, the Better Business Bureau, the Department of Labor, the Attorney General's office, and the Federal Trade Commission. Also, many aspiring models and actors seem to accept

¹ Figures cited in the Better Business Bureau testimony to the City Council Consumer Affairs Committee on April 16, 1993.

low standards of behavior as normal in their highly competitive and grueling pursuit of exposure and discovery.

Consumer Affairs law enforcement. In September 1993, DCA took law enforcement action against modeling and talent agencies. Three were charged with duping dozens of consumers into thinking they'd make it as models if they gave the agency hundreds of dollars for photographs, thus facing revocation of their employment agency license. In addition, six others face possible padlocking for operating illegally without the required license.

Redefining a personal manager in the law. The Department of Consumer Affairs is proposing that the New York State legislature amend the General Business Law as it relates to the exemption of "personal managers" from the requirement that theatrical employment agencies be licensed.²² The current law exempts those who only "incidentally book" talent for employment or engagements, which has come to be interpreted as an exemption for personal managers. Personal managers, by industry practice, groom the talent and leave the vast majority of the booking to agents. Because numerous agents and agencies have tried to escape licensing by erroneously claiming to be personal managers, the Department believes there is a real need to tighten up and more clearly define the legal exemption. The plain language of the statute should make clear exactly who is and who is not a personal manager.

II. THE NEW YORK STATE EMPLOYMENT AGENCY LAW

A business which represents that it can obtain employment for a fee in the entertainment industry must comply with Article 11 of the New York State General Business

² Article 11 of the N.Y. General Business Law entitled "Employment Agencies Law."

Law, known as the "Employment Agencies Law."¹ The law includes in its definition of employment agency "theatrical employment" agencies, which are more commonly known as talent agencies, if they handle actors, or modeling agencies if they handle models. Some businesses have departments to handle both models and actors. The term "theatrical employment agency," as defined in the law, refers to any person

who procures or attempts to procure employment or engagements for circus, vaudeville, the variety field, the legitimate theater, motion pictures, radio, television, record recordings, transcriptions, opera, concert, ballet, modeling or other entertainment, exhibitions or performances, but does not include the business of managing such exhibitions or performances or the artists... where such business only incidentally involves seeking employment for the artists.²

Talent/modeling agencies are required to be licensed. Talent agencies conducting business in New York City must obtain their licenses from the Department of Consumer Affairs, while those conducting business elsewhere in New York State are licensed by the State Department of Labor.³ The law exempts from the licensing requirement those persons engaged in "the business of managing...[talent]...where such business only incidentally involves the seeking of employment..."⁴

What constitutes "incidental" is determined on a case-by-case basis but, generally speaking, it has been construed to exempt legitimate personal managers from the licensing

¹ Article 11 of the N.Y. Gen. Bus. Law § 171 et seq. (McKinney 1993). The law applies with equal force and effect to individuals operating as a talent or modeling agents.

² N.Y. Gen. Bus. § 171(2)(d).

³ N.Y. Gen. Bus. Law § 171.

⁴ N.Y. Gen. Bus. § 172.

⁵ N.Y. Gen. Bus. § 171(8).

requirement. As distinguished from an agent, a personal manager does only occasional booking and relies largely on the client's agent to book engagements.

A consumer can get restitution more easily from licensed agencies. As with all types of businesses requiring Consumer Affairs licenses, consumers fare much better when they deal with licensed agencies. Talent and modeling agencies must file a \$10,000 bond with Consumer Affairs before qualifying for a license! This bond requirement is an important consumer safeguard because restitution can be paid from the bond to consumers who are ripped off by a licensed agency.

What consumers don't know can hurt them. In pursuing dreams of a career in the entertainment industry, aspiring models and actors should proceed with caution. From the moment they first set eyes on the "help-wanted" ads seeking models, they should exercise prudence. The law requires all employment agencies (except for employer-fee paid agencies) to include their names and addresses and the word "agency" in the advertisement.⁹ Ads without this information are a tip-off to a rip off', and consumers should steer clear of them. Consumers need to know their rights before visiting an agency." Most importantly:

⊗ Neither talent nor modeling agencies are allowed to charge advance fees for any of their services." If agencies demand money up front for *anything*, including a

¹ N.Y. Gen. Bus. § 177(1).

¹ N.Y. Gen. Bus. § 187(3).

¹⁰ One source for local talent agencies and the types of services they offer is The New York Agent Book, by K. Callan, 3rd edition, Sweden Press, Studio City CA., For models or actors getting started in the business, Models Mart, located at 42 W. 38th St., 8th Floor, sells books listing agents, casting directors, modeling and acting schools, and other related services in New York and elsewhere, as well as portfolio books and how-to videos. Free literature on how to avoid scams is also available.

¹ N.Y. Gen. Bus. § 185(3).

deposit, consumers should be wary about continuing their relationships with them. Legitimate agencies do not charge advance fees.

- Consumers should be aware that their demand for a refund of the advance fee or a deposit must be satisfied immediately, if at the time of their request the agency has not secured employment for them.¹²
- Should the agency obtain employment for the consumer, the agency's commission cannot exceed 10% of the consumer's wage."
- Talent and modeling agencies are prohibited from requiring consumers to subscribe to any incidental services, such as photographs, guidebooks, make-up, or acting classes.¹³ However, agencies can refer consumers to the businesses who provide these various services.
- A talent or modeling agency cannot share its premises with any other business.¹⁴ A tip-off that an agency is operating a scam is that it has an on-site or nearby photography studio which is ready to photograph consumers as soon as they pay the agent or photographer.

Enforcement by the Department of Consumer Affairs. When Consumer Affairs uncovers talent or modeling agencies operating without a license, it issues violations for unlicensed activity. Talent and modeling agencies found guilty of operating without a license may have to pay fines of up to \$100 per day for each day of unlicensed activity and face possible padlocking if they still fail to obtain a license."

¹² N.Y. Gen. Bus. § 185(3).

¹³ N.Y. Gen. Bus. § 185(8).

¹⁴ N.Y. Gen. Bus. § 187(10).

¹⁵ N.Y. Gen. Bus. § 187(8).

¹⁶ *Administrative Code of the City of New York, Title 20, Chapter 1, Section 20-105 (b)(1).*

Additionally, DCA can bring administrative proceedings against licensees for violating any provision of the State's Employment Agencies Law." DCA can also take administrative action for violations of the Consumer Protection Law -- for example, when an agency deceives a prospective model or performer by making false promises of success. A hearing officer in such administrative proceedings has the power, upon proof that violations have occurred, to impose fines, to order a licensee to pay restitution to a consumer, and in the most serious cases, to suspend or revoke an agency's license.

Whether or not an agency is licensed, DCA and the City of New York can also bring a court action in State Supreme Court to enforce these same laws. DCA can seek fines, restitution for consumers, and also injunctive relief to stop a talent agency from engaging in illegal activity.

III. HOW THE MODELING AND TALENT INDUSTRIES REALLY WORK: STEP 1

A. That's Show Biz

The talent agencies. From the 1920's through the 1950's, when actors had contracts with studios, the studio bosses had almost total control over an actor's career. Today, agents, historically known as "artist managers" and later called "theatrical agents", play the strongest role.

Most professional actors need agents to get them work; they search for a talent agency which will "sign" or represent them. Typically, actors also require coaching and/or acting lessons to prepare for their career. Talent agencies earn their income from 10%

¹⁷ N.Y. Gen. Bus. § 189.

commissions on their actors' earnings. Agents are prohibited by law from taking money up front. If an agency is affiliated with a union, the union provides all contracts for the actors, inspects the agent's office, and sets the rules under which an agency operates."

Agents scout for talent, read scripts, and have regular contact with casting directors = and others in the business with whom they discuss opportunities for their clients. Agents typically receive a daily listing called "Breakdown Service", published by Breakdown Services, Ltd., which describes all the current roles being cast in productions across the country for TV, film, stage and video. Basically, an agent's job is to recognize talent when they see it, know which clients are right for castings, develop and maintain professional relationships with casting directors, and negotiate contracts on behalf of his or her clients.

Agents earn commissions based on their clients' earnings, so they must believe in their talent before they choose to represent them. Both aspiring actors and legitimate agents make a serious commitment when they decide to forge a professional alliance. Agent's reputations are at stake every time they recommend clients to casting directors. Agents who say they will represent aspiring actors without first seeing their work, or even a simple script reading in their office, are not legitimate.

Agents send casting directors head shots -- close-up photographs of a person's face -- and resumes of clients that they believe are most appropriate for an open role. The agents then wait for a response identifying which clients, if any, will be invited to audition or

There are several unions which represent people in the talent industries including TV and film actors, comedians, stunt professionals, "live performers", showgirls and cabaret artists, musicians, and, sometimes, directors, stage managers and choreographers. A talent agency may not have a kitchen or bed or any other type of business on the premises. The role of unions is discussed on page.12.

interview. Casting directors receive hundreds, if not thousands, of resumes for every open role. Typically, only a few actors from any given agency get called in to audition for a particular role¹⁹.

Personal managers. About 50 years ago, when many artists were left without representation due to the dissolution of the theatrical agency division of Music Corporation of America (MCA), and many unemployed agents were looking for jobs, a new breed of artist representative was born, the personal manager. In the last 20 years, personal managers in the entertainment industry have become pivotal influences in the careers of their clients."

In contrast to talent agencies, personal managers advise their clients, introduce them to casting directors and agents, and help guide and develop their careers. Like talent agents, managers must *know their talent* and how they should be packaged and promoted to maximize the chances of booking work for the talent. Although managers are not coaches or agents, they will sometimes perform those roles. Often the extent to which managers do more than package an actor depends on the manager's background and their unique relationship with the actor. Managers make money from commissions, not up front fees, typically taking 15% of their client's earnings, and they often invest their own money in their clients along the way. Managers may charge clients for those costs after their client has made money.

Even though agents and managers have distinct responsibilities, they sometimes perform the same tasks for an actor. Agents in New York City are required to be licensed by the Department of Consumer Affairs, and cannot charge more than 10% of the amount

¹⁹ In conversation with Joe Rapp, East Coast Director of the Conference of Personal Managers, and veteran manager, on September 14, 1993.

that their client earns. Personal managers are not licensed and can charge as much as their clients are willing to pay. Many managers are members of the Conference of Personal Managers, which has strict rules that their members are supposed to follow, including a 15% limit on earnings from clients' bookings.

The unions. Most actors join at least one of several unions representing performers. The three largest are the Screen Actors Guild (SAG), which represents actors in film; Actors Equity Association (AEA), which represents actors on live stage; and the American Federation of Television and Radio Artists (AFTRA), which handles actors doing voice work, radio, some television and newscasting. To set minimum employment conditions for their members, the unions enter into collective bargaining agreements with agents and employers, such as production companies, advertising agencies, networks, or talent payroll companies. The unions also limit agent's commissions to 10% of all union jobs.

Actors generally join unions for three reasons: 1) the power in numbers that enables unions to negotiate minimum working conditions and wages, 2) benefits such as pension and health plans, and 3) the professional development and social benefits, such as classes, community activities and information access. It is commonly known that actors have a much easier time getting paid for work if they are union members.²⁰ Consequently, most professional actors are in a union.

B. Model mania

Glamour management. In the modeling industry, companies such as Ford, Elite, Zoli, and Wilhelmina, operate as personal managers for their clients. They ~~never~~ charge up front fees.

²⁰ Based on interviews with several actors and agents in New York City.

Instead, the companies earn commissions from their clients' bookings. Very few consumers file complaints with DCA or the Better Business Bureau against these leading companies.

The most competitive modeling companies search the country looking for potential supermodels. Scouts go from coast to coast visiting small and mid-sized modeling agencies, modeling schools, and attending conventions. Of all the aspiring models they meet, scouts from the most prominent companies only recruit one or two girls a year, usually 15-years-old, from modeling schools and conventions, according to Joe Hunter, President of Ford Models and President of the International Model Managers Association (IMMA).²¹ Most Ford clients, he says, are discovered at small agencies. In order to manage another agency's models, Ford guarantees a commission on the clients' future earnings to the agency.

If representatives from a modeling agency think they can work with a person in New York, they'll fly the potential client here for a week, take test photographs, and judge his or her potential for future success. Although the most typical client is a girl in her mid-teens, the agents also recruit men and children. If the agency believes that the aspiring model is worth betting on, but is still in school, she or he may spend summers in New York until graduation and then start to work full time. At age 16, a new girl may be flown to Paris, put up in an apartment, and assigned work until the company believes she is ready to come back to the New York market. Male newcomers, usually between 18 and 23 years old, may be sent to Paris or Milan as well. Meanwhile, the *company* has invested money to get the model's career rolling, an action which distinguishes their role as personal manager from that of a talent agency.

²¹ In conversation on August 23, 1

Smaller modeling agencies have a different focus and business role than that of the management companies. However, they are still considered employment agencies and also work on commission. Those agencies tend to handle fewer clients at a time, as compared to as many as 200 at the larger companies. They act as booking agents and *personal secretaries* to their clients by booking them work and managing their schedules. Booking work for their clients is central, not incidental to their business, unlike for personal managers. These agencies do not generally invest monetarily in their clients or lend them money, as Ford, Elite, Wilhelmina and Zoli do, and as personal managers typically do for actors.

Getting started as a model Models generally don't have to invest money early in their careers except for test photographs to create a composite card, and later as they gain experience and build a portfolio. The more models work, the better their portfolio becomes. Test shots to create a composite card or start a portfolio shouldn't cost much more than \$25 to \$75 per roll, and most aspiring models don't need to shoot more than two rolls of film to get started.²² It is not unusual for models to spend \$100 to \$200 on expenses to get started but they never pay this money to an agent. It is spent on a photographer, for composite cards and a portfolio book, and on incidentals such as beauty supplies and a good haircut.

According to Joe Hunter, President of Ford Models, Inc., few people who end up at modeling schools or at scam modeling agencies, are aware of an audition opportunity called an "open call" at many modeling agencies and management companies. Many modeling agencies have open calls once a week. They dedicate a part of a work day to seeing people

²² In conversation with Joe Hunter, President of Ford Models, Inc. and Alyssa Black, President of Lure Talent Group, Inc., which has a modeling division.

off the street who want to know if they have a chance. This is a great place for aspiring models to start because they will be honestly evaluated *for free* by experienced agents and managers. Prospective models are required only to bring snapshots of themselves; they get measured in a bodysuit at the open call.

An industry without a union. Models have no union and therefore have no collective bargaining power. Models who also act may be members of one of the performers unions and they would be covered by union contracts for their acting work, but not for modeling. Models routinely face difficult, sometimes scary working conditions. Often, models are sent abroad unaccompanied and at very young ages. Models typically get paid by their agents, who take their commission before issuing a check. Without union contracts to protect them, models can wait months to get paid. Reputable agencies attempt to pay their models as soon as possible, usually within a week or two. However, waiting up to a month for payment is not unusual. The dishonest agencies can take much longer and even use the money owed to models for personal or business expenses.²³

What about modeling schools? "Modeling schools should really call themselves finishing schools," says Joe Hunter, President of Ford Models, Inc. "If you're not 5'9", you're going to have a very tough time making it as a model ... Modeling schools do other things for consumers, such as teach them how to dress, groom and present themselves, but they can't make people models."²⁴ Others in the business agree that there are limitations to what a

²³ In conversation with Justin Alain, a former modeling agent, model and actor on August 17, 1993. Currently, he is a debt collector in San Francisco for models having trouble obtaining payment from delinquent agencies.

²⁴ In conversation with Joe Hunter on August 23, 1993.

modeling school can accomplish. Legitimate modeling schools will tell prospective students the truth about their potential, but others will take whoever walks through the door.

"Prospective models will not complete a course at a modeling school and immediately start a modeling career if they don't have the essential requirements (height and measurements) already. And if they do, they usually don't need a modeling school," according to the President of a local modeling agency.¹⁵

New York exempts schools of acting, music, dance and fine arts from licensing --but its State Education Department licenses modeling schools as "trade schools."

Print books and portfolios. Every model agent has a print book with photographs of his or her clients to market the models to prospective employers. Models may pay for representation in their agent's book, although they are not required to. These books can help get models exposure and, ultimately, work. They differ from a model's individual portfolio, which is used to market themselves when on "go-sees" -- an industry term for appointments to see if a studio wants to hire a model -- or interviews to discuss potential work with a client.

Many people have heard of the infamous "Faces International" print book, regarded by industry insiders to be a classic scam in the modeling industry. For a fee ranging from \$185 for a small photo to \$10,000 for a full page shot, practically *anyone* could get their picture in this book. Faces promised its clients it would distribute the book to industry decision-makers throughout the United States and in 32 different countries. An investigation of the company by DCA and the Better Business Bureau uncovered that some of the so-called

¹⁵ In conversation with Alyssa Black, President of Lure Talent Group, Inc., on August 10, 1993.

decision-makers receiving the book were either dead or no longer in the business, and many others didn't refer to the book at all when casting for their productions.

Consumer Affairs took legal action against Faces which settled the charges by signing a comprehensive Assurance of Discontinuance signed on March 31, 1993. Without admitting any wrongdoing, Faces agreed to correct those business practices that the Department alleged were unlawful, and to dramatically reorganize its New York City business. Instead of continuing as a talent agency, it agreed to simply publish its magazine.

Child modeling. According to Becky Yee, Public Relations Coordinator for Wilhelmina Models, parents are eager for their children to model in the hopes that their kids will earn enough money to pay for their own college education.¹⁶ Despite these good intentions, many parents have been known to squander their children's earnings before the children are able to manage their own money. It is controversial whether children should work at very young ages -- some babies as young as four weeks are subject to the bright lights of photo shoots.

Many modeling agencies handle children, some with divisions set up specifically to deal with children. Children are reviewed at many open calls, and some companies sponsor model search events specifically geared to child models.

Children typically model during the summer and other school vacations. If they live in New York City, they may work occasionally after school and on weekends as well. Working without any union protections, they are dependent on their parents and state child labor laws to protect them against unsafe working conditions and unreasonable hours. Child

²⁶ In conversation on September 14, 1993.

models experience the business in much the same way adult models do, they have go-sees and call backs, usually twice before being selected for a job.

A few good snapshots exhibiting a child's self-assured energy and likeable personality are all that is necessary to get started. A child's resume detailing any acting or modeling experience, along with the photos, convey any future potential.

IV. WHEN SHOW BIZ STOPS AND SCAMMING STARTS: Weeding out the "bad actors"

Thousands of aspiring actors and models live in New York. Some have travelled long distances to test the New York waters. Others who may be employed in different careers are lured by ads that promise modeling jobs, regardless of experience or looks. The challenges prospective models and actors face are to find legitimate agents, managers and quality photographers and to avoid the sharks and con artists. The best place consumers should start is by asking established actors and models about who they've worked with, who is reputable, and who to watch out for.

A "good" -- that is, successful -- con artist will make people feel that they are on the cusp of something really great -- an entry into a career on the screen, as a runway model or as a video star -- so that they feel pressured to get their photographs taken for a composite card or portfolio *immediately* because there's a job available *that week* for which they would be perfect. The consumers get so excited they come up with the money for printed photographs -- typically at least \$200. In a scam Consumer Affairs hears about regularly, consumers go back to the agency to review the photographs, but all they're given is a contact sheet -- an 8.5" x 11" sheet with a tiny version of the photographs printed on it. What

happened to the photos the consumers were expecting? Well, that wasn't part of the deal. Now, the best photos have to be chosen from the contact sheet, and used to make 8" x 10" photos or composite cards. The cost is usually set at \$1.85 each for 200 copies. So consumers pay an additional \$170. When they return to see the composites, they are hit with another charge of a few hundred dollars for the employment agency representative to become their agent and market them around the City. Since they have already spent so much and want to make their investment worthwhile, many resign themselves to having to pay this extra amount.

But the fraud doesn't stop there -- the agent then promises to send the photographs to agents all over New York City. "Don't call us, we'll call you," are the last words the consumers hear. What they get for their money are substandard pictures and that's it. The victims, whether parents and their young children, teenagers, or adults, will not hear from their so-called agent again.

There are many other types of scams involving seminars, print books, modeling schools and more. However, the bulk of complaints received by DCA are about modeling and talent agencies that pose as management firms and bilk people for photography services. **Modeling, television and theater businesses are highly competitive.** Ever see a subway ad for making big bucks quick by modeling -- no experience necessary? Although people of all shapes and sizes are needed for acting, the "character type" roles are relatively rare, and experienced actors have a good chance of booking them over those with no experience. As for modeling, the vast majority of models need to have specific physical dimensions to get work. Any ad or agent that tells consumers otherwise is just leading them on. Experienced

actors interviewed for this report convey a sense that "if there are any businesses in the world that *sanction* discrimination, they are the glamorous businesses of modeling and acting, not in the racist sense, but casting directors usually search for archetypes." So not just anyone can walk in off the street, with no experience, and expect to start working right away. A complex combination of factors determine who gets a chance, and who makes it, to stardom.

Sexual harassment -- not "if" but "when". Although beyond the scope of this report, sexual harassment in the entertainment industry has always been considered a common problem. Even today unscrupulous agents, managers, casting directors, photographers and other power brokers in the business make the famous "casting couch" a requisite stop in an actor or model's journey to success.

The sad truth is that many models and actors are sexually harassed in their career but they do not complain to the authorities. The New York City Commission on Human Rights, which investigates and resolves complaints of sexual harassment, has received only a few complaints of harassment by models or actors in the last few years.

There is *no reason* for models and actors to undress before their agents. And if they are on an interview for a nude scene or photo session, then only a casting director should need to see them naked.¹¹

Kid scams. Child models and performers, and their parents, are another commonly victimized group of consumers. Especially since children change so much physically in their first five years, kids under five years old don't need costly professional photos to get a shot

²⁷ See Appendix B for resources and complaint contacts regarding sexual harassment.

at modeling or acting. Nevertheless, unscrupulous business-people who hide the facts easily draw many parents into paying for expensive photographs of their children with promises of great success.

Though it is not operating illegally, National Talent Associates (NTA) is an example of a company which makes its money on the dreams and egos of parents and their children, often newborn babies. The company obtains new parent's names and addresses and sends letters encouraging the parents to call and set up an appointment to discuss their child's prospects in the modeling and talent industries. The company sells parents of "young children five-year contracts to have their children photographed annually. The photographs are then submitted to a talent agency in New York City, with the parents hoping that their child will be selected as a model.

The Federal Trade Commission (FTC) took action against NTA in 1975 and again in 1979 and 1985. The company had failed to honestly inform prospective clients of the chances of their children booking work. In fact, only 2.7% of NTA's 23,310 signed children actually booked jobs. And of the 629 kids that did get work through NTA's contacts, 428 made under \$500 on the jobs.²⁸ As a result of the FTC's action, NTA is required to inform prospective clients of its track record.²⁹

²⁸ Success rates reported by National Talent Associates' "Important Information" document current for the last five calendar years from 1992. The Federal Trade Commission has required NTA to document its achievements in obtaining paid employment for its clients to prospective clients since a 1975 consent order.

²⁹ In 1979 and again in 1985 the Commission charged NTA and its officers with violating the 1975 order. To settle the charges, the agency agreed to an injunction and, in 1979, paid a \$25,000 civil penalty; in 1985, NTA paid a \$150,000 civil penalty.

In June 1993, National Talent Associates contacted a Consumer Affairs employee with a newborn baby. The NTA representatives refused to send any corporate promotional literature and insisted on visiting the parents in their home. The new mother and her husband went through the interview process with an NTA representative at their house. An NTA agent told them their child had a chance of booking jobs. If the parents decided they would like NTA to "manage" their child, including arranging photography services once a year for five years, they had to pay a one time fee of \$435. Even if the parents obtained modeling jobs for their son themselves, they still had to pay 15 % of all the child's earnings to NTA.

Sometimes parents cannot be objective enough when it comes to their own children. Parents spending money on professional photographs of their kids, especially those under the age of five, are not necessarily improving their chances of success and may be wasting money outright. Joe Hunter, the President of Ford Models, described a far too typical scenario of parents eager to get their children into show biz, who wasted hundreds of dollars on their shot in the dark.

An acquaintance wanted to get his kids into modeling and was considering spending \$1,000 on photographs at an agency he had already contacted. On appeal to Mr. Hunter for advice, he recommended that the father take his kids -- and some snapshots -- to an open call at Ford's childrens' department. At the open call, the children were reviewed for their potential in the modeling business. A Ford agent told the father that he didn't think the children had modeling potential. Still, the father returned to the first company he had contacted and spent the \$1,000 on photographs of the kids anyway.³⁰

³⁰ In conversation August 23, 1993.

All kids may be cute, but they are not all meant to be models. Parents can avoid photography scams by taking their children to open calls, and by visiting different agencies with snapshots of their kids, in search of an agent they feel is honest and will find their children work.³¹

V. EXAMPLES OF CONSUMER COMPLAINTS

The following accounts of consumer rip-offs illustrate typical types of modeling and talent agency scams, according to complaints filed with the Department of Consumer Affairs, the Better Business Bureau, and the New York State Department of Law, Bureau of Consumer Frauds and Protection.

N.Y.C. Models: Take the money and run

- Brooklynite Dan Hua W. responded to an ad placed by N.Y.C. Models in the newspaper, World Journal. The ad read

MODELS

Actors Dancers Kids needed immediately for
magazines, catalogs, TV commercials.
All ages, no experience necessary

The advertisement led Dan Hua W. to believe that upon responding, she would be interviewed for work by a potential employer, not an employment agency.

The following day, Dan Hua W. went to see a "talent scout" at N.Y.C. Models, where a company representative allegedly told her that she needed photographs for a portfolio. Less than a week later, she and the "scout" visited Romy Productions where, according to Dan Hua W., an agent told her she must pay \$147 for photographs, which she did. The photographer informed Dan Hua W. that if she "did not do well" in the first roll of film, she would have to pay \$70 for the second roll.

³¹ See Appendix B for answers to questions commonly asked by parents about children in the modeling business.

After the photographer took the first 36 exposures, he allegedly required Dan Hua W. to take the second roll of film, raising her total cost from \$147 to \$217. When she questioned this additional fee and stated that she did not have the money to pay it, the photographer allegedly promised her that she would get a certain job paying \$100 an hour to be followed by other modeling work for magazines, catalogs, videos and more.

Within days, Dan Hua W. returned to Romy Productions to pick up her photographs. She paid \$70 for the second roll of film to the agent, who then helped her select some photographs for her portfolio. But then the agent allegedly told her that she would have to pay an *additional* \$797 for the portfolio photographs. Realizing she was being cheated, Dan Hua W. asked for the negatives of her pictures. The agent refused to comply, saying she did not have possession of them. Subsequently, she was able to obtain one 8" x 10" enlargement, for which she had to pay an additional \$17.

Three days later, Dan Hua W. called the agent, who put the photographer on the phone. Dan Hua W. demanded she be given the negatives. The photographer, who said he was the head of Romy Productions, allegedly replied, "You are an idiot! If you want to get the negatives, you must pay me \$150."

Dan Hua W. never obtained employment from the agency, nor did she ever acquire her negatives.

- After seeing an advertisement for hand models in *Newsday*, Zoe S. of Ronkonkoma, NY called N.Y.C. Models to find out how to get into the business. A representative told her that she didn't need any photographs and she only needed to come in and talk to someone at the agency.

Zoe S. went to the agency, where an agent allegedly told her that she had great hands and could make a living working as a hand model. The agent added that he thought that she should have looked into this career years ago. Even though the agent told her on the phone that she didn't need photographs, he asked her in the interview if she had any pictures. Since she didn't, he allegedly told her that a photographer on the premises could shoot her and from the photographs print composite cards, necessary to get modeling jobs. The agent then quoted her a price of \$127 for professional hair and makeup and photos. When she asked if she could keep the negatives and have the composites printed elsewhere, the agent allegedly told her she could not.

The photographer took head and hand shots. According to Zoe S., he strongly urged her to let him take two more rolls of film of her hands at \$50.00 each. She said she couldn't afford to spend that much and would take more pictures at another time. When the photographer allegedly told Zoe S. that it would cost more that way because she would be charged for hair and makeup again, she agreed to one extra roll of film. The N.Y.C.

Models agent then allegedly told her that to start off, she needed 100 composite cards at \$1.85 each. After the photography session, NYC Models told her to return in two weeks.

When Zoe S. returned, the N.Y.C. Models agent helped her select four photos for her composite-card and told her she had to pay \$60 for four 8" x 10" shots. According to Zoe S. he said that it is best that she buy two-sided composite cards which cost \$2.85 each. She said she couldn't afford to spend that much but the agent allegedly convinced her that two-sided cards were much better and worth the extra cost. According to Zoe S., he also said that the cards get used up very quickly, each agency wants 30 of them on file, and she should buy 200 cards. The additional 100 cards would cost \$82. Zoe S. lamented that she could not afford this and had never expected to pay so much, but the agent reassured her that she had a future in modeling and that one modeling job would pay for the \$592 she was investing. He allegedly told her that N.Y.C. Models routinely receives requests for hand models and that she should receive calls for modeling jobs soon. Zoe S. requested that her pictures be sent to her because she lived too far from Manhattan to come in for a pickup. For this service she was charged an additional \$15.

Zoe S. sent her pictures to several modeling agencies. They told her that her prospects as a model weren't good because she has too much brown hair on her arms. The agencies, including Ford and Elite, said they wouldn't even show the pictures to their clients. Zoe S. called the N.Y.C. Models agent and complained that she thought it was his professional responsibility to discuss this concern with her. She demanded to know why he had not done so. Zoe S. was upset about spending almost \$600 for nothing and said she wanted a refund for most, if not all, of her outlay. But the agent allegedly offered only to take her pictures again, adding that she would have to pay for new composite cards.

Zoe S. filed a complaint with the Department of Consumer Affairs, which obtained a \$237 refund from the agency.

- William S., of Jersey City, NJ, visited an agent at N.Y.C. Models who allegedly told him there was a lot of modeling work for Latinos. According to William S., the agent told him he should have his photos taken, for a total cost of \$302, and he would be on his way to obtaining a job.

William S. told DCA the agency would send him out on jobs and the address would be incorrect or the location did not exist. There were times when he went back to the NYC Models to obtain the address of an alleged job but the agents would give him a time and date to call for assistance. When he did, the agents were too busy to take care of him. William S. says the agency also changed his representative constantly.

William S. spent his savings trying to obtain modeling work that never existed.

- Nyack, NY resident Ann S. responded to a newspaper add which read

Models, Actors, Dancers, Kids
Hands, faces, hair, full figure
& petite for catalogue, comm
music video & movies. No exp.
All ages (under 18 w/parents).
Interviews 12:30-6pm 7/ 16 at
The White Plains Hotel
For Appt 212-420-1558

She visited the hotel only to find a huge crowd. She stayed two hours but ultimately left_ with only a business card from N.Y.C. Models. She noticed a similar ad a couple of months later and went back to the hotel. She spoke to someone representing the company and asked if they had any interest in her since she was a "mature" woman. She was allegedly told by an agent that the company would have lots of work for a woman her age, that she was a "mother of the bride type". The agent charged her \$127 for working with the agency, which included make-up, use of the studio, and contact sheets from which Ann S. would choose three or four pictures to go on a promotional 8" x 10" composite card. Additional composite cards would cost 51.85 each.

Several days later Ann S. went to the agency in New York City, which was set up as a photography studio, to *be photographed. According to Ann S., she was ultimately persuaded to have an extra roll of film shot for an additional \$53. The agent asked her to come back to the company a week later to review the contact sheets. No mention of price was made.

She returned to the same location a week later and noticed the lights and backdrop for the photo shoot were all gone and the make-up person at the photo shoot was now the receptionist. Ann S. reviewed the contacts and chose four photos, which an agent allegedly told her she could have packaged for \$375, with additional packages of 100' composites costing \$58 each. According to Ann S., the agent told her she would earn \$1200 for one job so it was worth the cost.

Ann S. tried to get the negatives from the agent, who allegedly said she could not have them "for fear of them getting into the wrong hands." He said he needed his lawyer to sign a document releasing him from any responsibility toward misuse of the pictures. She was ultimately able to obtain her negatives but that is all she got from the deal.

Models 4. A leap in faith

- Joseph and Esther E., of Brooklyn, visited Model 4 Agency in hope of landing modeling work for Esther. According to Esther E., the agency owner Judith confidently stated what

they would need to do in order to get Esther E.'s career started. Following her instructions, they paid \$610 for photography services and 500 composite cards, 250 of which Judith would keep to distribute to different agencies. Despite repeated attempts to follow up, Joseph and Esther E. did not hear from Judith for over one year. They called to request at least the 250 cards Judith had, since they assumed Judith had lost interest in promoting Esther E. Judith did not respond.

Manhattan Petite Modeling Agency: Not worth the gamble

- Michelle M. of Brooklyn, interviewed with a Manhattan Petite Modeling agent, who explained to her the procedure of creating a portfolio in order to start a modeling career. The agent quoted Michelle M. a price of \$275 for the portfolio. After she had her pictures taken, the agent allegedly quoted her a price of \$150 for four blowups. Michelle M. thought about what she was initially told, and was confused. She thought she would have to pay only \$275 to start her career in modeling. She wondered if she had made a big mistake, but she took a gamble and paid for the four blowups.

According to Michelle M., she returned to the agency, excited to discuss her potential, only to hear the agent say, "Now, the last step is to have the cards made, and then you'll be finished with the portfolio and you'll be on your way to a satisfying career in petite modeling. All it costs is \$195 for the cards to be made and that should only take a couple of days." Michelle M. said she could not believe what she was hearing. She was confused and suspicious. She grabbed her pictures and left the agency disgusted by the situation. The four blowups were terrible, according to every modeling agency she has since visited.

- Michelle G. of Staten Island, heard an ad for Manhattan Petite Model Agency on the Kiss FM radio station. She visited the agency for an interview and met an agent who allegedly told her that she was very pretty and had especially nice hands. According to Michelle G., an Asian woman, the agent also told her that most of her clients were Asian. The agent also told her that in order to be a client of Manhattan Petite, she had to get photographed and spend about \$500 for a portfolio, or have one of her own photographs reprinted, in color, with her name and the agency's name on the photos, which would cost about \$195 for 300 copies. Since Michelle G. could not afford \$500, she opted for the reprinting and gave the agent one of her original photographs. Michelle G. left a \$100 downpayment.

Michelle G. returned two weeks later to pay the balance of \$95. According to Michelle G., the agent specifically told her that she would have the photography lab send the photos to either the agent's office or Michelle G.'s home for her to review before they were sent to any clients. They agreed on this plan.

Michelle G. called a week later to inquire about the status of the photographs. The agent allegedly told her to wait at least two weeks and that she would call her when they

were ready. After a month passed, Michelle G. called the agent again. The agent allegedly told her that she had already given out all the photographs to her clients and that she had none left. Michelle G. was outraged. She had no proof that the agent had reprinted the photo or sent them to any of her clients. She wrote the agent a letter requesting a refund, to no avail.

Petite USA Models: Hotel hoax

- Elizabeth G. of Schenectady, NY, saw an advertisement for modeling auditions at a hotel and immediately thought of her daughter, Shamika G., who dreamed of becoming a model. She took the 13-year-old girl for an audition. Elizabeth paid \$20 for photographs of Shamika G. at the hotel, which the agency allegedly required in order to determine whether Shamika G. was accepted as a client.

A week later they received a letter from Petite USA Models saying Shamika G. had been accepted. The girl was thrilled that her dream was coming true. The letter stated that a \$145 deposit was required and Elizabeth G. promptly sent it. The letter also stated that the portfolio would be shot at a Holiday Inn in Albany.

According to Elizabeth G., an agent called three days before the scheduled shoot to tell her that the date needed to be changed. Soon after that, another call came with news that the shoot had been cancelled because the agency could not find a hotel to do the shoot. The owner of the agency allegedly asked Elizabeth G. to bring Shamika G. to New York City and she said yes.

Suspicious of the Situation, Elizabeth G. tried to cancel the deal and obtain a refund. Her contract specified she would be refunded if cancellations were made three days before a portfolio shoot. When she spoke to the owner of the company, she was denied her money back and the owner hung up on her. Elizabeth G. has not heard from the agency since that call.

Petite Models: Slip sliding away

- Tanya F. of North Babylon, NY, visited Petite Models, owned by a woman named Judith, who refused to give Tanya her last name. During Tanya F.'s first visit to Petite Models, Judith allegedly told her that she would receive 72 pictures and negatives for \$275, and that when her pictures were completed, Judith would send them to various agencies to promote her. After Tanya F. gave Judith \$275 and had her pictures taken, Judith allegedly told Tanya F. that she would receive only slides for her money. When Tanya F. asked to view the slides, Judith allegedly refused because Tanya F. did not have an additional \$150 to have the slides made into photographs. Tanya F. wasn't notified about this additional expense until after the slides had been developed.

Model Development: "Later" means never

- In response to a subway advertisement, "Eam up to \$1500 a day, No Experience Necessary," Poilan S., of Manhattan, and her niece, Meiling R., went to Model Development. A sales representative allegedly told the niece that she was definitely model material and talked her aunt into paying \$495 for slides. She was charged \$550 for a color portfolio as well. According to Poilan S., the agent told the niece, Meiling R. that she would be in a modeling seminar which sounded professional and exciting to both of the niece and her aunt. Before paying \$550 for Meiling R.'s portfolio, they told the agent they would return in five days to finalize a plan and pay the rest of the money. Five days later, Poilan S. called the sales representative to say she could not make it that day, but promised to pay the \$550 when she came in soon. The representative allegedly urged her to pay immediately, even if it meant sending the money through express mail.

Poilan S. did not send the money but instead returned to the agency two days later to pay. She asked the agent why it was so urgent that the money be paid. Allegedly, the sales representative said that he had a job for Meiling R. When Poilan S. asked why he didn't say so on the phone, he allegedly responded, "We don't discuss jobs over the phone." He said the job was no longer available. Poilan S. paid for the portfolio and left.

Several days later she called the sales representative about the seminar and the portfolio and he told Poilan S. he would call the next month about the seminar, and the portfolio would take seven or eight weeks to prepare. The sales representative had never told Poilan S. it would take so long during any other conversations they had had. One week later Poilan S. called to cancel the portfolio and request a refund.

Poilan S. never heard from the company again. She later learned that it was an unlicensed agency.

- Bronx resident, Enrique F. and his son Jonathan visited Model Development to discuss the prospects for his son to enter into a modeling career. Enrique F. paid \$495 for a "super portfolio" which he was told would be a set of photographs of his son, as he was shown during the interview. Instead, the company gave him 72 color slides. Enrique F. knew that this was not considered a portfolio in the modeling business. When he questioned the agent at Model Development, he ripped up Enrique F.'s receipt. Enrique F. returned the slides by certified mail, return receipt requested.

LG Models: What's wrong with this picture?

- Lilikette E., of Manhattan, went to LG Models for an interview. An agent allegedly told her that she needed photos taken and the agency was running a "special" for their on-site photographic services. According to Lilikette E., the agent told her that she had to leave a

deposit that day or she would miss the special deal, and that if she did not make an appointment for the photos immediately, the photographer would be too booked to see her. Since she did not want to spend a great deal of money, she decided to take advantage of the bargain price. The agent allegedly told her that she would pay \$127 for photographs, instead of the usual \$350, plus \$92.50 for 50 composite cards, a total of \$220. She left a \$10 deposit and made an appointment.

When Lilikette E. returned for her photo session,¹ the agent allegedly demanded that she pay the balance of \$107 before she could be photographed and that she sign a document requiring her to pay for the photographs. She was not given a copy of the document. Then she waited in line to be photographed. Near the end of the first roll of film, the photographer allegedly "advised" her that shooting additional film would be highly recommended in order for the job to be done properly. He said Lilikette E. hadn't warmed up yet. The cost -- an additional \$125.

Lilikette E. returned to LG Models a week later to review the contact sheets. Then, in order to receive photos, she was allegedly told that she had to purchase a package deal, the least expensive of which cost \$322. Outraged, Lilikette E. felt that if she wanted to get anything out of the whole experience, she would at least have to spring for the extra amount. She was never told about this so called package during her interview, and instead of \$220, she spent \$575.

- Queens resident Martha O. was unemployed when she saw an ad for models in a Spanish language newspaper, El Diano. When she called, the LG Models representative who answered the phone allegedly informed her that the agency urgently needed people of all ages. According to Martha O., *over the phone*, the company representative strongly encouraged Martha O. to come in and have photographs taken immediately, because she risked losing an available job.

After the photographs were shot, an LG Models agent allegedly asked Martha O. to pay \$172 to have the photos processed. The agent called her on the phone and allegedly informed her that she needed to put together a portfolio immediately because there was a television job for her and other jobs available shortly thereafter. Convinced that she could gain employment, Martha O. paid an additional \$455. But after this money was paid, Martha O. never heard from the agency again. The company refused to return her phone calls. When she visited the agency, she was given a list of addresses to which she could send her photographs. Despite spending \$627, Martha O. has never gotten any employment through LG Models.

- Queens resident Elva V., a woman in her early twenties, went to LG Models for an interview, accompanied by her mother. At the meeting she agreed to be photographed and scheduled an appointment. The LG agent told her the total price would be \$147 and Elva V.

paid the amount on the spot. Elva V. was allegedly told that as soon as she obtained the photographs, LG Models would get her jobs.

However, when Elva V. went to pick up her pictures, the LG agent told her that in order to get composites, she had to pay an additional \$620.

- Russ A. of Montclair, NJ, visited LG Models with the hope of getting modeling jobs. At his first visit, an agent allegedly told him that he needed photographs that would cost \$87, and that after his pictures were taken, he would be matched with an employer looking for male models.

According to Russ A., at his second visit to LG Models, an agent told him that he had to pay an additional \$261 for reproductions of the original photographs. When Russ A. responded that he had not been told of this additional cost, the LG agent allegedly told him that he was "acting stupid and that people pay a lot more for such service."

Russ A. paid the additional cost, believing that the agency would find him work. The agent told Russ A. to call the following week for his first paying assignment. When Russ A. called, he was informed by the agent that he needed to pay for a training session to learn how to interview for employment. Russ A. has never gotten a job through LG Models. When he demanded a refund, the agent allegedly refused and made an obscene remark.

- Bronx resident Gloria C. saw an LG Models ad in the classified section of El Diario. She called the company and set up an appointment for her daughter, Deborah M. At the interview, an agent allegedly said her daughter had a lot of potential and that he could get her modeling jobs. He then informed Gloria C. that she needed pictures of her daughter and that they would cost \$127. Gloria C. paid the money.

When Gloria C. picked up the photographs, they were wallet-sized. She was instructed to choose the best pictures. According to Gloria C., the agent told her that the photographer wanted to take more pictures of her daughter so that she would get more exposure. Those pictures, he said, would cost an additional \$70. Gloria C. again paid the money. When the second set of pictures was ready, the agent allegedly advised Gloria C. to order 200 composite cards, for an additional amount of \$370, which she did.

According to Gloria C., throughout her dealings with this agent, he repeatedly told her and her daughter how great looking Deborah M. was and that she would have no problem getting modeling jobs. When Gloria C. ordered her daughter's composite cards, the agent allegedly told her that her daughter would also need a portfolio to use on interviews. The additional cost for the composite cards and portfolio was \$550. The agent promised Gloria C. that no further monies would be required and that she and her daughter would quickly make the money back.

According to Gloria C., the agent never sent any of the composite cards out and the agencies listed by LG Models never responded to the cards that she sent herself. When Gloria C. called LG Models to find out why no modeling jobs were coming their way as promised, the agency's representative -- who had made those initial promises herself -- allegedly told her that the agent who made those promises had left the company. The representative allegedly went on to tell Gloria C. that if she wanted more exposure for her daughter, she would have to buy a mailing list of agencies from LG Models.

APPENDIX A: VIOLATIONS ISSUED AGAINST MODELING AGENCIES

The Department of Consumer Affairs has charged the following three licensed agencies with violations of the General Business Law, the Consumer Protection Law, and applicable regulations:

- (1) K.T.A. & Associates,
d/b/a Model Development The Euphoria M's Llc,
Euphoria M&S, Inc.; Model Development, Inc.;
Kemcy Management Group, Inc.; Kemcy Model
Agency, Inc.; Kemcy Development Agency,
and High Gear
40 East 23 Street
New York, New York
- (2) Manhattan Petite Models, Inc.
d/b/a Judith Models, Petite International
Models, and American Models of N.Y.C.
245 East 58 Street
New York, New York
- (3) L.G. Models Inc.
d/b/a Romy Productions,
formerly N.Y.C. Models Inc.
145 West 28th Street
New York, New York

Consumer Affairs has also charged these six agencies with unlicensed employment agency activity:

- (1) Jeremy Foster-Fell d/b/a Foster-Fell, Inc.
36 East 23 St.
New York, New York
- (2) Valumet Model Agency
310 Madison Ave., Suite 1104
New York, New York
- (3) Actors Reps of New York
1674 Broadway
New York, New York

- (4) **Mitch Phillips d/b/a Silvercone Productions
a/k/a Discovery Model and Talent Management*
35 West 31 St., 7th Floor
New York, New York**
- (5) **Suzy Vance
72-06 Austin Street
Forest Hills, New York**
- (6) **Mystique Model Management
928 Broadway, Suite 704
New York, New York**

* Not to be confused with Discovery Theatrical Management Ltd., a talent management agency specializing in children.

APPENDIX B: CONSUMER TIPS

Typical scams by unscrupulous talent and model agencies include:

- making inflated promises of getting jobs for you;
- pressuring you to buy composite cards and/or an expensive portfolio made by a photographer on the premises or surreptitiously affiliated with the agency;
- failing to tell you up-front the full costs of photos and other services;
- not disclosing the financial connection between the agents and the photographers;
- sending out "you have been selected" mailings falsely claiming that the you are receiving special treatment; and
- making false claims about the success of "print books," which are publications containing listings and photos of models and actors.

Tips on looking for an agent

- Check whether an agency is licensed by calling Consumer Affairs at 212-487-4379. An agency should have its license posted in the reception area.
- Up-front fees for photo shoots or any other type of service are illegal. If a photographer appears to be in cahoots with a modeling agency, take your business elsewhere.
- Don't believe promises of work; only a select few agents can guarantee you a job. If a prospective agent tells you he or she can book you for a particular film or video, beware. Unless an agent is unusually powerful in the business, the most that agent can do is send you on auditions and put in a good word on your behalf.
- Beware of agents who solicit you directly over the phone or in person. If someone approaches you on the street, take their business card and check them out by asking around. Also find out if they are licensed -- if not, forget about them.
- Make sure a prospective agent takes the commitment seriously before you put your career in their hands. Agents who say they will represent aspiring actors without first seeing their work, even a simple script reading in their office, are not legitimate.

Ask around before you sign with *anyone* to find out whether they have a good reputation in the business. Try to get references from others that the agent or manager has represented in the past.

- Few people enrolled at modeling schools, or a scam agency, know about "open calls" at modeling agencies. At least once a week, model managers and agents have an open call -- a day, or maybe a few hours, when they look over people off the street who want to know if they have a chance. Open calls are great places to start, because you will get free evaluations by experienced agents. Prospective models are required to bring a few snapshots and have measurements taken in a bodysuit.

Talent agencies are listed gratis in publications like Backstage Magazine, "Ross Reports", "Madison Avenue Handbook", and the "New York City Model Agency Directory". To learn about which talent agencies are reputable and what types of services they offer, read The New York Agent Book, by K. Callan, 3rd edition, Sweden Press, Studio City CA.

- Don't respond to subway, bus or classified adds that promise modeling and acting jobs for people with no experience, of all ages and sizes, etc. They are come-ons.

Tips on getting pictures and portfolios

- Before actually looking for work, aspiring models and actors need professional test shots. No reputable modeling or talent agency will charge you for test shots. The agency may recommend a photographer, but you should be under no obligation to work with any particular person. You should pay photographers for film expenses and that's all. Get the names of several photographers and review their work before choosing one. If an agent strongly pushes you to work with a particular person, be wary.
- Adults starting out *should* not waste money on portfolio shoots. Portfolios are built over time, as you get jobs.

Tips on print books and videos

- If you want your pictures and resume in a print book, do some investigating first. Find out who gets the book, then call them to see *how* much they actually use it. Ask the publishers how they market the book, and if they have working relationships with agents and casting directors. Try to get their names and do the fact checking yourself.

In particular, if the models in a print book don't look too promising to you, use your own judgment about its legitimacy. It's better to stay clear of a dubious "opportunity".

- If you want to put your work on video tape, hire an experienced videographer, preferably one who specializes in taping actors' scenes and monologues. Always view samples of their work before you hire them.

Tips on modeling and acting schools

- Modeling schools do not transform people into models. They can teach you how to dress, walk and apply make-up. But there are very strict criteria for modeling, especially for high fashion. If you're not slender and at least 5'9", you have little chance of obtaining high fashion work, regardless of what school you attend.
- Decide what you want from a school before you make a decision that can cost you hundreds, if not thousands, of dollars. Some schools will accept all applicants, regardless of their real chance of making a career in the business. Some will at least be honest about your chances, given your talent, measurements and look. Some won't even take you unless they believe you really have the potential to work in the business.
- Whether you're looking for an acting coach or teacher or a modeling school, talk to former and current students, audit classes and try to interview the prospective teacher first. If you can't meet the teacher personally, check out his or her resume -- *before* you sign up.
- Make sure a modeling school is licensed with the New York State Education Department before enrolling. Call 212-951-6493.

Tips on job interviews

- Where there's smoke there's usually fire -- if you are ever asked to go on an interview at a residence, or if you have any odd feelings about the legitimacy of an interview, stop immediately. Feel free to bring a relative or friend along on interviews, a common practice that is not considered unprofessional.
- If you are sent on an upsetting interview, immediately tell your agent and your union, if you are a member of one. If your allegations are serious enough, your agent may avoid work with that client in the future or at least spare you from having to deal with the client again.

Whenever discussing a contractual relationship, the number one rule to follow is "Get it in writing." Never rely on a verbal agreement, even with someone you trust. Keep a copy of whatever is signed, even if it's a simple note. Never be pressured into signing anything without thoroughly considering the deal.

Get inexpensive legal advice from one of the New York City branches of Volunteer Lawyers for the Arts (VLA), a nationwide, nonprofit network. The local branch's Arts Law Line can direct you to the VLA office nearest you. Call 212-319-2787.

What parents should know

- Be wary of solicitations in the mail offering to represent your child for modeling and acting, or seminars to view your child. If you are requested to pay hundreds of dollars for photographic services, run, don't walk, the other way. Kids don't need professional shots until they are at least five years old.
- Before you sign a contract, call the Department of Consumer Affairs and the Better Business Bureau to check on a company's complaint record and licensing status.
- Read all contracts carefully before signing.
- Don't give any personal information to anyone who approaches you and says they want to make your child a star. Instead, take his or her business card and do some fact checking before calling them.
- Some modeling agencies have open calls for children. Call the International Model Managers Association, Models Mart, the Better Business Bureau, or Consumer Affairs for a listing of open calls at various agencies in New York City.

What to do about sexual harassment

- To file a complaint against an employer, union, talent agency or modeling agency, call the New York City Commission on Human Rights at 212-306-7500, or visit the office at 40 Rector Street, 9th floor, New York, NY 10006, weekdays from 10 a.m. to 4 p.m. The harassment must have occurred in New York City. Also, report sexual harassment to the sex crimes division of your local police precinct and to any union of which you're a member.
- If the harassment occurred in New York State but outside New York City, call the State Division of Human Rights at 212-870-8650, or visit the office at 55 West 125th Street, New York, NY 10027.

- Unionized performers enjoy some legal protection under their by-laws. According to the Screen Actors Guild contract, for example, a producer may not authorize the taking of still photographs of nude scenes or sex acts during an audition or production unless you have given prior written consent. Actor's Equity Association's Production contract expressly forbids sex acts at auditions and interviews, and includes language designed to protect actors with regard to nudity at auditions, interviews, in performance, and the visual recording of nudity. So call your union.
- Any professional casting director, agent, or manager has an office and regular business hours. There is no reason to discuss employment opportunities or negotiate contracts at 10 p.m. in someone's apartment. Even though many actors rehearse into the wee hours of the morning, if someone asks you to discuss business after normal working hours, find out if they have an office you can visit during the day.

Resources: Who to turn to for help:

If you've been the victim of a scam, don't give up. There are several ways you can get your money back. First, file a complaint with the Department of Consumer Affairs and the Better Business Bureau (BBB). They may be able to get your money back.

If you haven't been paid as promised, and especially if you have a written contract, keep writing and calling the delinquent company until you are paid. If you still can't get your money back, contact Consumer Affairs, the BBB and your union. Also, tell Backstage magazine, which runs periodic scam alerts. Notify any publication where you saw an ad which led to a complaint.

You can also file complaints with the New York State Attorney General's office, the Federal Trade Commission, and, if the crime took place in New York State but outside of New York City, the State Department of Labor.

If all else fails, you may have to take the agency to small claims or civil court. Consumer Affairs has a free guide to filing a small claims action; call 212-487-4278.

Here are some useful phone numbers and addresses:

A. Government agencies

NYC Department of Consumer Affairs
Consumer Complaint Division
42 Broadway
New York, NY 10004
212-487-4393

Federal Trade Commission
150 William St., 13th Fl.
New York, NY 10038
212-264-1207

NYC Commission on Human Rights
40 Rector St.
New York, NY 10006
212-306-7640

**New York State Division of
Labor Standards**
1 Main St., Room 601
Brooklyn, NY 11201
718-797-7499

NYC Police Department
Special Frauds
1 Police Plaza
New York, NY 10038
212-374-6850

U.S. Postal Service
James A. Farley Bldg.
W. 31st St. & 8th Ave.
New York, NY 10116
Attn: Mail Fraud
212-0330-3844

Mail fraud is a misrepresentation
involving the U.S. Postal Service.
This address handles complaints for
all of New York State except Buffalo
and Syracuse.

B. Unions

Actor's Equity Association (AEA)
165 W. 46th St.
New York, NY 10036
212-869-8530

**American Federation of Television
and Radio Artists (AFTRA)**
260 Madison Ave.
New York, NY 10016
212-532-0800

**The New York State
Education Department**
2 World Trade Center
Room 5830
New York, NY 10047
212-951-6493

**State of New York
Office of the Attorney General
Consumer Frauds and
Protection Bureau**
120 Broadway
New York, NY 10271
212-417-5041

Small Claims Court
111 Centre St., Room 323
New York, NY 10013
212-374-5776

Screen Actors Guild (SAG)
1515 Broadway, 44th Fl.
New York, NY 10036
212-944-1030

**American Guild of Musical
Artists (AGMA)**
1727 Broadway
New York, NY 10010
212-265-3687

**American Guild of Variety Artists
(AGVA)**

184 Fifth Ave., 6th Fl.
New York, NY 10010
212-675-1003.

**Society of Stage
Directors &
Choreographers (SSDC)**
1501 Broadway, 31st Fl.
New York, NY 10010
212-391-1070

C. Other Resources

**Better Business Bureau of
Metropolitan New York**

257 Park Ave. South
New York, NY 10010
212-353-2470

**Casting Society of
America**

East Coast Office
311 W. 43rd St.
New York, NY 10036
212-333-4552
(answering machine)

Backstage Magazine

For complaints about a
casting notice, call 536-5368.
For an advertisement complaint
call 536-5366

**National Association of
Talent Representatives,
Inc. (NATR)**

East Coast Office
165 W. 46th St., Suite 909
New York, NY 10036
212-265-3366

**International Model Managers
Association (IMMA)**

Joe Hunter at Ford Models at 753-6500
or Barbara Lance at Zoli at 242-1500

**National Conference of
Personal Managers,
Eastern Division**

1650 Broadway, Suite 705
New York, NY 10019
212-265-3366

Models Mart

42 West 38th St., 8th Fl.
New York, NY 10018
212-944-0638

Volunteer Lawyers for the Arts

One East 53rd St., 6th Fl.
New York, NY 10022
212-319-2787

Sources: Backstage Magazine, industry experts at many unions and agencies.

NYC Department of Consumer Affairs • 42 Broadway • New York, NY 10004