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ENTERTAINERS—AGENCIES WHICH SECURE ENGAGEMENTS FOR ENTERTAINERS—FEE CHARGED—PRIVATE EMPLOYMENT AGENCIES—SECTION 886 ET SEQ., G. C.

SYLLABUS:

Agencies which secure engagements for entertainers and charge a fee therefor are private employment agencies within the purview of Section 886 et seq. of the General Code.

Columbus, Ohio, September 6, 1950

Hon. Frank J. Collopy, Administrator, Bureau of Unemployment  
Compensation  
Columbus, Ohio

Dear Sir:

I am in receipt of your communication which requests my opinion as follows:

“Sections 886 to 890, inclusive, General Code of Ohio, are sections with reference to private employment agencies.

“There are a number of so-called ‘theatrical agencies’ operating in Ohio. These agencies represent various types and kinds of entertainers, either under written or verbal contracts. Their method of business is to secure engagements for the entertainers in hotels, night clubs and conventions, etc., for which they charge the entertainers fees, usually on a percentage basis. As an example, they would contract with “A” Hotel to furnish the hotel with the service of “X” band for one week. For these services the “X” band would pay the agency 10% of the contract price.

“It is respectfully requested that you give us your opinion as to whether or not such theatrical agencies are private employ-

ment agencies within the meaning of the above mentioned sections of the General Code.”

In answer to your request, it should be noted that Section 887, General Code, defines “employment agency” and leaves me with the sole determination of whether or not the agencies described in your communication come within the scope of said definition. Section 887 reads :

“A person, firm, association of persons or corporation who secures, or, by any form of representation or by means of signs, bulletins, circulars, cards, writings, or advertisements, offers or agrees to secure or furnish employment, engagements of help, or information or service of any character concerning or intended or purporting to promote, lead to or consummate employment, shall be deemed an employment agency, and subject to this act (G. C. §§886 to 896-16) governing such agencies.”

Your letter relates that the “theatrical agencies” referred to therein represent entertainers for the purpose of securing engagements. Certainly this is a form of representation intended or purporting to promote, lead to or consummate employment within the purview of the definition contained in Section 887, General Code, supra, and I believe that the all-inclusive character of the language used in said section is largely responsible for the lack of judicial decisions upon the statement of facts contained in your communication.

However, the Municipal Court of Cleveland dealt with a similar problem in the case of *Hulley v. Farr*, 9 O. O. 343, where the first branch of the syllabus reads as follows :

“Where an entertainer authorized plaintiff to hire a number of dancers and swimmers and many young women, including defendant, applied to plaintiff and obtained employment, plaintiff was an employment agency within the purview of sections 886, 887 and 888, General Code, and ordinances of the city of Cleveland, and as such was required to obtain a license.”

See also, *Raabe v. State of Ohio*, 7 O. App. 119.

It is accordingly my opinion that agencies which secure engagements for entertainers and charge a fee therefor are private employment agencies within the purview of Section 886 et seq. of the General Code.

Respectfully,

HERBERT S. DUFFY,  
Attorney General.