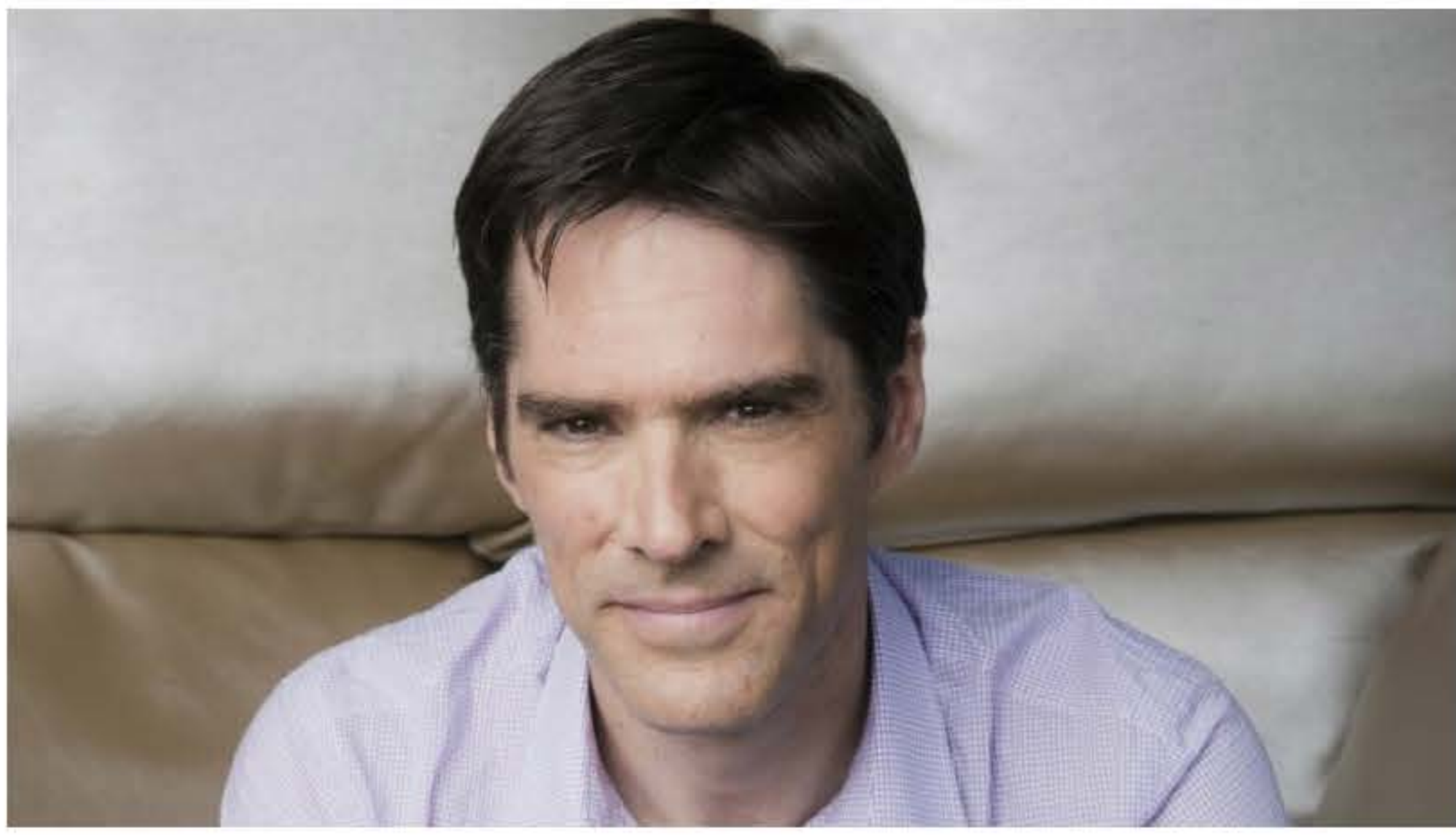




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'Criminal Minds' Actor Thomas Gibson Suffers Defeat in Fight Over Ex-Manager's Commissions



Francois G. Durand/WireImage

California Labor Commissioner determines that Frontline's Craig Dorfman didn't illegally procure work for the actor.

Last August, Thomas Gibson [lost his job](#) on *Criminal Minds* after allegedly kicking a writer on-set. Now, the actor has suffered a kick himself in a bid to escape paying a 10 percent commission on the \$4.8 million annual salary he earned for starring in the CBS series.

In August 2014, Gibson [was sued](#) by Frontline Entertainment over money allegedly owed to the firm's Craig Dorfman. The lawsuit not only revealed the actor's salary, but painted Gibson with an unflattering brush with word that he's known as "Captain Vanilla" among industry professionals thanks to his "lack of professionalism." According to Gibson, Dorfman was fired because the manager failed to get him a "bump" in salary between seasons 9 and 10 of *Criminal Minds*.

After the lawsuit was filed, Gibson filed a petition before the California Labor Commissioner with the contention that an oral agreement for 10 percent commissions should be voided because Dorfman acted as an unlicensed agent in procuring him work in violation of the Talent Agencies Act.

On Thursday, Barton Jacka, an attorney for the Labor Commissioner issued a determination ([see here](#)) refusing Gibson's demand.

What was examined in the controversy was Dorfman's alleged role in "procuring" the *Criminal Minds* gig for Gibson as well as some other work including a couple of commercials, Gibson's role in the 2004 television movie *In From the Night* and a modeling job. There was also an offer to become a celebrity spokesperson for the Professional Golfers Association.

Dorfman began as Gibson's talent agent, getting him the role on *Dharma & Greg* before moving into management. According to Gibson's testimony, though, Dorfman was expected to do the same work he had done previously as an agent.

Gibson attempted to make the case that Dorfman had leaned on his "old friend," CBS Entertainment president Nina Tassler, to get him a starring role on *Criminal Minds*, and had helped him line up other work as well. During this time, Gibson paid agency commissions to The Gersh Agency and later to Paradigm.

The big issue before the California Labor Commissioner was not only whether Dorfman had acted as an unlicensed agent, but also what to do about a one-year statute of limitations.

In the one year before the petition was filed, the answer was pretty easy.

Jacka writes that the only alleged act of procurement on Dorfman's part in this period was discussions pertaining to an Ion promo of *Criminal Minds* — which earned Gibson \$45,000. The Labor Commissioner attorney says it's a "close call," but that "we cannot conclude that it is more likely than not that he did so."

The more complicated issue involved Gibson's older work, in particular his role on *In From the Night* and a "big pay commercial" in 2010. There, Jacka writes that Dorfman appears to have engaged in actual or attempted procurement.

"These instances, however, appear to be sporadic and were dwarfed by the bulk of Respondents' work for Mr. Gibson," writes Jacka. "Although Mr. Gibson consistently used words such as 'procure' to describe Respondents' work, his testimony about details was almost entirely lacking — i.e., he rarely knew anything specific about what Respondents had actually done. Mr. Dorfman admitted to almost nothing and neither of the two agents (Ms. Adler and Mr. Gersh) provided any evidence that would illuminate as to instances in which they were aware of unlawful procurement by Respondents."

The Labor Commissioner attorney writes in other instances, Dorfman had merely passed information on to Gibson or his agents or fielded questions without making any offers or demands. Jacka also notes that Gibson did have real licensed agents, who performed work for him, and that evidence showed Dorfman actually did perform management services.

As for *Criminal Minds*, Jacka mentions one conversation concerning a request for a raise where Tassler told Dorfman, "There is no more money. [CBS CEO] Les [Moonves] wants Thomas on the show. Please let him know that."

But "this exchange would be a slender reed on which to base a nullification of that part of the Agreement whereby Mr. Gibson was required to pay Respondents commissions from his role on *Criminal Minds*," writes Jacka.

The dispute now goes back to the Los Angeles Superior Court judge who paused Front Line's lawsuit in the interest of letting the Labor Commissioner battle proceed first. Gibson may have other defenses to escape paying commissions, but he has whiffed on his attempt to exploit the Talent Agencies Act.

"We are pleased that our client Frontline prevailed in this matter," says attorney Bryan Freedman. "The Labor Commission saw right through Thomas Gibson's true motivation which was to avoid paying the commissions owed by once again creating a fictitious recollection of facts which did not exist. I would think that given his career trajectory since leaving my client that Gibson would realize that the truth and honoring his commitments might be an appropriate starting point to rebuilding his career. No doubt this guy will continue to blame others and take no responsibility."



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