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From: Daniel Ahern [REDACTED]

Sent: Sunday, June 23, 2019 2:55 PM

To: ATR-LitIII-Information (ATR) <ATR.LitIII.Information@ATR.USDOJ.gov>

Subject: ASCAP, BMI. (PUBLIC COMMENTS)

To whom it concerns,

I think that BMI/ASCAP along with SESAC and others now in the market place are aggressive, unfair organizations who bully small business especially under the "guise" of protecting music rights for songwriters.

The truth and reality for a lot of small music venues is that they use bully like tactics and harm the very industry they claim to protect. In smaller markets, live music venues and musicians are struggling just to be in business and every single year these agencies take their rates up and at times for completely unjust reasons.

For one example, we were paying our dues for being a small live music venue that charged a cover charge and our jukebox was separately licensed also to play music and fully paid up. They performed an "audit" and said we had to pay surcharges as we had a jukebox and charged a cover charge. They were already charge us for both separately in other words. They proceeded and now double tax us on the same jukebox; the ironic part is we never, ever play the jukebox when the band is playing.

Another example, we have no dedicated dance floor, people sit and watch the music as we have a listening style music room. On very rare occasions, patrons will feel the urge and jump up and dance. They came out for more "audits" several years ago and said we had to be licensed for our dance floor. We have no space or nothing that even resembles a dance floor. I pleaded my case, they informed me that during an audit if somebody was in the bathroom dancing to the live music; they have the right to force us to be licensed for a dance floor. What's next I ask myself, are they going to tax humans when a favorite song enters their head and they start to sing it in the shower or even worse sing at a family gathering? With their reasoning, that could kill the industry. Bottom line, they are overreaching and promptly threaten lawsuits if you don't play exactly by their rules.

Our rates have gone up huge percentages over the past 19 years. We do a lot of original music, the vast majority of our musicians get nothing from BMI and ASCAP. Unless you write a hit song or are a major force, they have no value to the average operator and in turn are slowly killing the small live music venues off which is sad. They host big industry conferences and send invites, its a joke as the cost is also insane and small operators cannot even think about taking time for Las Vegas, they are too busy working to pay off the heavy taxation by the music rights groups.

Lastly and the biggest red flag of all, we the public and business owners alike cannot tell who, what or where is licensed which is the most shady practice of all. They will not tell you who is licensed, how much any venue pays or what music rights organization is involved with which venue. This part is just insane and another level of the bully tactics. Our venue has to post its beverage license, tax permit, legal occupancy and all kinds of other required postings. But there are no requirement to post licensing information at venues and the industry keeps it just like that. This should be public information, they are after all trying to protect the singer songwriters and music industry? That would

let customers know if a place is licensed or not; surely patrons would want to know and help protect the very thing us in the front lines day in and day out so dearly love.

We are a small fish in a big pond, we just want to be treated fairly and that is just not happening with the current rules of engagement.

Sincerely, Daniel Ahern

Sent from my iPad