From: David T. Leiken <DT2███████████

Sent: Thursday, August 8, 2019 3:24 PM

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

Subject: PLEASE KEEP BMI ASCAP CONSENT DECREES

Dear Sir or Madam,

I am writing this letter to voice what I feel is unethical and probably illegal behavior, at least under Oregon Law, by Broadcast Music, Inc. (BMI.)

They have thru letters and phone calls tried to intimidate, coerce, and strong arm our company to sign a new agreement with them, with the threat that if we don't then we will be held in violation and risk the loss of our music license. They wanted us to sign with no hint of what the new rate would be and that whatever rate was decided would be charged back retroactively. This tactic makes it impossible to pass the increased costs along to our customers because they have been charged with the existing rate, with no new published rate in place.

This is an unconscionable tactic. The specifics of the new rate that they are requesting is exorbitant, and asks for revenues from sources such as ticketing service charges, VIP fees, secondary market ticketing fee (i.e. scalping,) sponsorships, ticket brokers, and other income streams. It should be noted that in many of these situations we have no say in what these fees are. We do not collect that money, and in no way are those services controlled by us as a promoter or venue. To charge us a percentage of those fees is just simply wrong.

We as a company hope that the Department of Justice will see through this and cut it short. A reasonable increase is one thing but it appears as though this more than doubles what we are currently paying. It is not fair or equitable and venues cannot be responsible for collecting these exorbitant fees from outside sources.

To make these outrageous fees retroactive is really one for the ages, and to be threatened and strong-armed make this even more egregious.

Sincerely,

David T. Leiken, President
DTL, Inc. dba Double Tee Concerts
Oregon Theater Management Corp. dba Roseland Theater