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**Sent:** Thursday, November 19, 2015 4:17 PM  
**To:** ATR-LT3-ASCAP-BMI-Decree-Review  
**Subject:** Music

To whom it may concern,

I own a Farm Winery in upstate New York. I have musicians come in and play original music weekly during the winter months. I currently pay DMX for Pandora monthly. This allows us to play background music in the tasting room. DMX is a company that spits out royalty fees to musicians that play through the systems DMX receiver.

BMI has been harassing my company for two or so years now. I was immediately upset with BMI. Instead of giving me a courtesy call, or sending me information regarding what services they offer they sent me an invoice. The invoice stated what I owed every six months based upon the sized of my building and the amount of shows played each month. How they new any of that information I don't know. They even wanted money for the previous months of shows that had already taken place. I disregarded the invoice and took it as a marketing strategy from BMI. Unfortunately the invoice kept coming, weekly. They did finally call.

The lack of knowledge from there "sales people" made for a bad debate. All they will say is that your failing to obey the copy writes laws, and you need to pay. If you try to debate any further you may get called "rude and condescending," followed by being hung up on. This happened to myself, and my business partner.

The debate consisted of a back and fourth battle trying to figure out what "original" music is. They told me that there is no way I could manage the set lists of the artists and guarantee that the songs were all original, and to pay up. I responded with a "yes I can." They also told me that even if the artist had there own copy writes on their own music they still would have to go through BMI to be legal. That was just too ridiculous for me to comprehend. They basically told me that a person couldn't write their own song and play it.

After the hundredth phone call and letter, I got in contact with my Attorney. He said that yes people could in fact write their own music, get it copywrited, and play it publicly. He also told me to record the shows for proof that the music was in fact original. That would help later on if BMI decided to take us to court due to non-payment. My attorney gave BMI a call in regards to our rights as proprietors, and to stop the harassing phones calls and invoices. Since then I haven't received anything from BMI.

I'm sure this company will try again next year. If so I'll have my attorney give another phone call. This just goes to show that BMI is a bully and is out for your money. Not to mention if I were to pay BMI how would they enforce that I was only playing BMI

music, and not ASCAP? Yet again another reason that they just want your money, and don't care about the music industry. I bet the amount of stamps, paper, and envelopes BMI pays for would cover most of my costs for musicians.

My little farm winery gave the music industry 2,100 dollars last year. That was money given to talented local artist who wrote and performed his or her own shows. That's supporting local musicians.

If I were to put together a package to help the music industry evolve it would consist of the musician being in charge. Put together a blanket company that supports ALL music and have the musician register to play certain songs including their own. Not only for previous artist's rights, but make it easy and affordable for current artists to register and protect their own music.