

HB 1235 – Merriweather Post Pavilion is opposed.
Audrey Fix Schaefer

I am Audrey Fix Schaefer, communications director of Merriweather Post Pavilion, the legendary amphitheatre that in normal times has more than 1,000 employees -- mostly Marylanders-- and thanks to the shows we bring to the state, we create more than \$70 million in economic activity each year for Maryland. We are unequivocally opposed to HB1235 and respectfully request that you do not move forward with it.

We applaud the concept of protecting consumers who purchase tickets to Maryland entertainment events. This bill, however, is detrimental to consumers, venues, and artists contemplating playing here. It is surprising that ticket bills are introduced without input from Maryland live music entertainment venues. We are the ones taking the risks by booking and paying the artists, paying employees, rent, mortgage, taxes, licenses, insurance and venue upkeep. But here we are again.

Let's be clear: already Marylanders are able to readily give or sell the vast majority of tickets that they are unable to use. The exceptions to this are important for the artists and venues. Some artists insist tickets be sold as non-transferable to ensure real fans, not those looking to gouge them, are in the seats. If we cannot fulfill the artists' request to make tickets non-transferrable, it will cause artists like Adele and Eric Church to skip Maryland and play in another state. These are the superstar caliber artists accounting for massive attendance levels yielding significant economic impact for Merriweather and the state. Also, in these uncertain COVID times, we cannot anticipate guidelines the CDC will provide to large gatherings -- and this bill could have unintended ramifications to contact tracing.

Customers are hurt by third party sellers, especially when they appear to be the primary seller/venue, because when a fraudulent ticket is sold, or the third-party vendor is unreachable on show day, the venue has no way to determine the validity of the ticket. The customer may ultimately be denied entry or required to purchase a valid ticket from the venue, if one is available. If one isn't, the fan is left of the venue, with a bad ticket and a great deal of disappointment.

HR 1235 was brought by TicketNetwork, a company with a history of being sued by the Federal Trade Commission, its home state of Connecticut and the state of New York. They agreed to repay \$1.55 million to thousands of duped and unsuspecting concert ticket buyers, lured into purchasing tickets to concerts, shows, and other live events that the sellers did not actually own.

As part of the discovery process TicketNetwork was forced to hand over a list of all the web domains they'd registered. That document is 74 pages long. It includes addresses like chittychittybangbangonbroadway.com, jerryseinfeldtickets.com, chicagowhitesoxtickets.org. It was a list of 4,234 URLs. Rebecca Slaughter with the Federal Trade Commission said in an interview, "I will seek in my mind for a good-faith argument for why they are good for consumers, and I can't find one."

What will protect consumers, Maryland venues, and live music entertainment promoters?

Forbid speculation – ticket sellers should be in possession of tickets. We have seen scalpers put tickets up for sale BEFORE primary tickets go on sale, charging many multiples over face value, when face value tickets would soon be readily available. One example: Consumer Sharon Ballentine paid \$481.93 for two tickets to Jersey Boys since she assumed she was on the official site. She later discovered she could've gotten them directly from the venue for a total of just \$170.

Forbid third parties from using the venue and/or the artists' names in their web link, tricking consumers into thinking they *are* buying from the venue.

Require third party sellers to have actual offices in Maryland, not simply P.O. boxes.

Require any company selling tickets to have an 800# with live customer service so, when there is an issue with a ticket, regardless of the day and time, the consumer has recourse. The Box Office at the venue cannot solve the issue for a ticket it didn't sell.

Third party vendors are not present on show days to solve customer problems. The burden is on the venue, which does not have access to the third-party system.

Put a cap of 20% over face value on tickets resold, thereby removing incentive to gouge Maryland ticket buyers.

We urge you to please kill this bill, HB1235.

We welcome the opportunity to work with you to craft a new bill that benefits Maryland consumers and protects Maryland venues and live music entertainment promoters. HB1235 achieves neither of these goals.