

Senate Standing Committee On Investigations  
and Government Operations &  
Senate Standing Committee On  
Commerce, Economic Development, and Small Business  
Senator Anna Kaplan  
Senator James Skoufis

Re: Joint Public Hearing on Ticket Sales for Live Events in New York State

Dear Chairman Skoufis, Chairwoman Kaplan, and distinguished Committee Members of this Joint Hearing:

My name is Don Vaccaro. I am the Chief Executive Officer of TicketNetwork.

Thank you for inviting me to share information about our company and the ticketing industry. The entire live entertainment industry has suffered great loss during the current pandemic. Our loss affects tourism, dining, and other sectors of the State's economy. It will likely take much more time to restore the ticketing industry to sound footing than it took the pandemic to erode it.

TicketNetwork stands ready to assist in the development and implementation of effective public safety measures to assist in recovering from the COVID-19 pandemic.

To restore pre-COVID industry vibrance and economic viability, we need a period of support and stability. Therefore, my primary recommendation today is that the current New York ticket sales statute that has proven effective be made permanent or at minimum, be extended for two years. Enforcement of existing State and Federal laws such as the BOTS Act is an immediate measure that can be taken without any adversity. A key part of the New York law which has likely helped consumers during the COVID era is the provision that prohibits venue operators from employing a paperless ticketing system that would restrict consumers' ability to transfer their tickets. TicketNetwork has always advocated for the rights of consumers to use tickets as they wish. Whether you want to attend an event, give tickets to a friend, or sell them to a willing buyer at an agreed-upon price, the important thing is that they are YOURS. You should be able to do what you'd like without being subject to the whims and restrictions of a venue, event organizer, league, or ticketing company. Colorado, Virginia, Illinois, and Connecticut have similar laws that address ticket transferability, with pending proposals in other states. No state with such ticket transferability laws has repealed or revised its law because it negatively affected consumers. Equally important to consumers' ownership rights to use the tickets they purchased is that if a consumer decides to give away or transfer their tickets, no person or entity should be able to discriminate against the consumer who acquired those tickets by denying them entry to an event simply because they are not the original purchaser. New York is currently in good company by having this law because laws in Colorado, Virginia and Connecticut also prohibit discrimination against consumers with resold or transferred tickets and pending legislation in Massachusetts would provide consumers with similar protection.

Any proposed policy changes or reforms should be thoroughly examined and considered, however should not be implemented immediately. Continued uncertainty about whether or how events will occur, has a devastating effect. The ticketing industry can ill afford unintended consequences resulting from changes that may not have fully considered the current and future circumstances impacting the entertainment industry and public health.

In preparation for reconsidering policy changes or reforms at the end of my suggested two year period, I urge you to examine possible legislative reforms that ensure ticket sales are conducted in a fair and equitable manner. Consumers deserve fair and equitable access to live events but face increasing difficulty in finding tickets to attend those events. With that in mind, I recommend you review the testimony provided during Congressional hearings held in February 2020 along with transcripts of an FTC workshop held in June 2019. I am providing a copy of my written Congressional testimony from 2020 with this written testimony (please see the attachment). In that testimony I outlined existing problems and proposed solutions.

Perhaps the most egregious of consumer abuses are systems that restrict ticket transferability while simultaneously and often without clear disclosures harvesting consumer data to sell to marketers and suppressing some consumers' ability to purchase tickets and enjoy events participating in the ticketing process. My proposed solutions focus on three key consumer needs: transparency, disclosure, and consumer freedom and I submit to you that the answers you seek can be found in documents from those hearings.

I also urge you to look at a potential legislative solution that already exists – the BOSS Act, introduced by Congressman Bill Pascrell. It protects competition, ultimately creating a more consumer-friendly experience. This proposed legislation is not perfect- it includes a concerning section on the use of venue and performer names in event website URLs that serves no purpose other than negatively impacting search results for websites that are not controlled by the venue controlled - but it protects competition in the ticketing marketplace and takes vital steps to a more consumer-friendly experience.

In summation, I recommend enforcing current ticketing laws and making them permanent while examining several common-sense measures that would vastly improve the consumer experience. Measures that move toward transparency, disclosure, and consumer freedom through fair access to all available tickets are the keys to improving the consumer experience, thwarting the ever-increasing concentration of market power in the hands of a few and ultimately creating a more consumer-friendly experience. And that's something we should all be striving to achieve. I welcome your questions and hope that together we can achieve solutions that benefit consumers.

Thank You.



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