



Good afternoon Senators, Committee staff and industry stakeholders. My name is Jason Berger. I am representing The Coalition for Ticket Fairness (known as CTF), which is a New York based association of NY industry professionals, licensed ticket brokers, and fans dedicated to transparency in the primary and secondary markets for entertainment tickets.

I have spent the last 30 years in the ticketing industry - I have worked at Ticketmaster, I founded Allshows.com and I have been an advisor to various ticketing companies. I have served as the President and a board member for industry associations including The National Association for Ticket Brokers (NATB) and the New York State Ticket Brokers Association (NYSTBA) as well as others. It's an honor to be invited to participate today as CTF has an invested interest in the longevity of the live event industry – thank you.

The world of entertainment provides a gateway for New York's tourism and other ancillary businesses that rely on an industry to operate efficiently. Broadway, sports arenas and all other live entertainment have been completely shut down by COVID-19 and, mostly, still remain either closed or only partially reopened.

At the onset of the pandemic, many large ticketing companies were under fire for slow refunds and lack of customer service. This was generally not the case for independent small ticket resellers who base their business on their stellar customer service. CTF has heard many stories of small ticket businesses taking loans to repay cancelled shows that were unavailable to them for months. This separated the smaller independent ticket resellers from the box offices and promoters who represented artists directly. It is because of our customer service that the resale business in New York receives an EXTREMELY low amount of complaints year after year as documented by the New York State Division of Consumer Affairs.

CTF is proud to show our continued support for Article 25 of the Arts and Cultural Affairs Law. We believe this law provides fans consumer protection as well as a free and open marketplace. Over 45 percent of tickets on the secondary resale market are sold for less than the box-office cost. This is what happens in a free and open marketplace rather than a market that is artificially set by one company, team or artist.

Simply put, the free market for tickets continues to work for consumers in New York. We ask that the pillar of our New York law - ticket transferability - be observed, maintained and enforced. Consumers want the right to choose where they buy, sell and transfer their tickets.

Further, we ask that operators make a good faith reading of Article 25 and recognize that it was never the intention of the law to allow any operator to take away season tickets simply based on the subscriber reselling them. In fact, we argue that Article 25 intended to stop that kind of activity. This is a free market and tickets are expected to be sold in a very active secondary market. Many fans of teams have invested years of capital purchasing season tickets and the licenses that go with them, just to be told by a team that those tickets are being taken away, and the only basis for taking them away is that they are being resold in the secondary market. This kind of activity places a chilling effect on the market and, therefore, is bad for the consumer. In conclusion, after a year of such incredible upheaval of COVID-19, affecting everyone, especially our industry, the CTF believes it is unwise to make changes to the existing law. It is the best law in the nation that has been replicated in many states and simply needs to be followed and enforced. Consequently, we support passage in both Houses of a multi-year extension of Article 25.

Thank you for your time and I am happy to answer any questions you may have.

Written Testimony of Jason Berger, President of The Coalition for Ticket Fairness