

FAN FREEDOM PROJECT ★ ★ ★

July 10, 2018

Mr. Justin Dews
Associate Counsel
Office of the Governor, Phil D. Murphy

Dear Mr. Dews,

The Fan Freedom Project (Fan Freedom) is an organization comprised of entertainment and sports fans from around the country that support legislative proposals protecting the rights of fans and consumers. In New Jersey we work closely with the Sports Fans Coalition to advocate on behalf of New Jersey consumers.

I am writing you to express the significant concerns that the thousands of New Jersey Fans have with A-4259 – the Pro-Ticketmaster and venue bill - and its lack of any committee process to allow consumers in New Jersey to express their opinion on the significant changes it makes to current fan protections in place. Had it had a hearing I can personally assure you that the committee would've heard a significant amount of testimony raising concerns with the repeals of these significant provisions.

As you're certainly aware – New Jersey currently has in place a 5% cap on ticket “hold backs” for those who have access to tickets prior to public on sale. A-4259 would repeal this cap which would allow venues and the primary ticket market to artificially inflate prices, the number of tickets available, premium seats available, etc. for the public on sale. This does nothing but hurt the average fan and consumer and fill the pockets of venues and artist's management. Removing this provision essentially establishes the creation of an artificial market until shortly before the event. It drives up costs while establishing an inaccurate number of available seats. Fans believe when tickets go on sale that they are in line to buy the “best available” seats. Removing this cap is misleading to New Jersey fans.

In other states Fan Freedom has seen select artists hold back as much as 50% of the available seats in the house for shows. There are a number of reasons to do this, however, none of those reasons are to help keep costs down for fans or provide additional access to the average fan. These reasons reside solely in the benefit to the venue and the artist for establishing an inflated market prior to releasing the best seats to the public.

Additionally, A-4259 repeals the refund provision for season ticket holders. This is virtually unseen anywhere else in the country. As you're aware, season tickets – for any venue – are not a cheap investment. In fact, many fans buy them with friends/family to socialize the cost and utilize refund/buy back provisions when they can't attend a game/show. Removing this provision – without any protection behind it for the fan – is shortsighted.

Fan Freedom is requesting a conditional veto from the Governor on A-4259. Fan Freedom believes that if these provisions are to be removed that New Jersey has opportunity to provide other consumer protections currently unavailable.

Fan Freedom urges the Governor to add a condition that requires the primary ticket seller to offer a "transferable" or "unrestricted" ticket at the point of sale. This allows New Jersey fans to purchase a ticket that they can – at least – give away to family or friends, let alone resell it to recoup costs. Without this requirement the primary seller could sell a "restricted" ticket (a ticket that is not available for resale or even transfer for free) to a New Jersey fan with no other options. Requiring the primary seller to offer a "transferable" ticket at least provides some ability for the consumer to recoup costs or – at least – give it away should they not be able to utilize it themselves. With the repeal of the consumer protections outlined in this letter there is zero protection for a fan who buys a "restricted" ticket.

Additionally, the Governor should insist on protections for fans who have purchased tickets from the secondary market. Given the removal of the 5% cap – most fans only options will be to purchase tickets on the secondary ticket market. Venues routinely seek to punish fans for purchasing tickets on a platform outside of the one that manages that particular venue. It's our hope that the Governor would seek to provide protections to these fans who will now be forced to find tickets on any available platform from being barred to enter an event based on where they bought the ticket.

I thank you in advance for your consideration and am available via phone or email at your convenience or would be happy to travel to Trenton for an in-person meeting.

Sincerely,

Chris VanDeHoef
President
Fan Freedom Project
(860) 716-4461