GENERAL MEMBERSHIP MEETING

October 17, 2016 - 7:00 pm The Admiral Inn

York & Dundurn Streets, Hamilton

Presentation of Life Membership Awards:



Rita Chiarelli





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M MEMBERS





Any notice appearing in this newsletter shall be considered official notice to all members of Local 293

Guild, Local 293.

Newsletter of the Hamilton Musicians'

EDERAT

Larry Feudo President



Janna Malseed and Vice-President



John Balogh Director



Paul Panchezak Sergeant-at-Arr





Glen Brown Director



CFM

1st Vice-President



Ron Palangio Marshal



Brenda Brown Director

GUILD CONTACT INFO

20 Hughson St. South, Suite 401 Hamilton, Ontario L8N 2A1 Phone: 905-525-4040 Fax: 905-525-4047 email: local293hmg@bellnet.ca http://www.hamiltonmusicians.org/



https://www.facebook.com/local293musicians?ref=hl

HMG293 Emeritus Officers:

Matt Kennedy Harry Waller





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Larry Feudo

President's Report

I his past June Secretary Treasurer Brent Malseed and I served as delegates to the Canadian Conference of Musicians and the AFM Convention held in Las Vegas. Also attending as an observer was 2nd Vice President Janna Malseed. I am pleased to report that this convention was the most positive of the past three that I've attended. The AFM is on a more solid financial footing and I'm pleased to announce that no membership dues increases were asked for.

At the Canadian Conference I served on the Standards Committee which is a standing committee struck three years ago. I also served once again on the Resolutions Committee which

evaluates the merits of resolutions brought before the Canadian Conference of Musicians and was appointed to serve on the Elections Committee for the AFM Convention.

Perhaps one of the most positive outcomes of the AFM Convention was that Alan Willaert was re-elected as Vice-President from Canada after his opponent dropped out of the race. This was a great relief to us all as his opponent had no prior experience as a Local officer and didn't have the wealth of experience, knowledge or leadership credentials Alan Willaert has. So concerning was his lack of experience as an AFM member that an emergency resolution was presented to the delegates that would require anyone running for office to have two years of AFM membership in good standing . Unfortunately this resolution was defeated and we hope there isn't a repeat of this situation in the future.

On a more positive note, we received word that the International Executive Board granted Local 293 some debt relief for a year after which the terms of the agreement would be revisited. At present we owe the AFM roughly \$42,000 over non-payment of the per-capita under Neil Murrays' tenure as President of Local 293. Under the terms of the agreement the principal is waived but the interest will still accrue. This will free up some funds for the Local to expand our projects for the membership and to pursue more opportunities for the Local to grow the membership.

It goes without saying that this agreement would not have happened were it not for the fact that we have more than doubled our membership in the past three years and have posted the highest membership growth in the AFM. I am very proud of the efforts that we as a board have put forth to achieve this feat.

I'd like to thank all our members who participated in the Labour Day Parade this year. We had 28 members march this year and virtually the entire board was present as well. Local 293 t-shirts were specially made for this event which was in part funded by the AFM Freelance Co-Funding Program. We also accessed MPTF funding for the Andre Bisson Band and Steve Fuller who were hired by the Hamilton and District Labour Council. The event was a real show of solidarity for Hamilton's labour community and the benefits of collectivism. We cannot stress enough the importance of building ties to the community and the politicians that represent our community. We also had an information booth staffed by Cathy Lee from the CFM office alongside our board members. Stopping by to say hello and chat with us were Andrea Horvath M.P.P. leader of the Opposition, Monique Taylor Hamilton Mountain M.P.P., Scott Duvall M.P. and Bob Bratina M.P.

Finally, I'd like to re-affirm our commitment to advocate, promote and safeguard the best interests of our members. Those of our long-time members can attest to the benefits of loyal membership. This past year we've gotten two Lester Petrillo grants from the AFM for members who due to illness and injury could not work. For the price of less than fifty cents a day our members can count on our support and guidance and the knowledge that when the chips are down we've got their backs.



Yours in solidarity

Lan

Larry Feudo



Manage Your Member Profile The Federation is proud

The Federation is proud to announce the latest enhancements to the AFM.org website.

INFO

AFM members can update their addresses, phone numbers, privacy settings, e-mail addresses, and website addresses all in one place.

There are additional tools for local officers, such as access to the control panel to handle members, groups, registration, content, update dues structure, and more.

Members can self-manage their AFM information with these custom pages:

- My AFM—choose personal shortcuts to documents and searches
- My Info-manage your personal profile
- My Privacy—control information you make public
- My Music—list instruments you play, who you play with, and who represents you

AFM FOR

For more information please contact AFM Information Systems at support@afm.org.



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Brent Malseed

Secretary-Treasurer's Report

Local 293 President Larry Feudo, 2nd Vice-President Janna Malseed and I attended the Canadian Conference of Musicians and the 100th AFM Convention in June 2016 held at the Westgate Hotel in Las Vegas, Nevada . I was appointed as Chair the Canadian Conference Diversity Committee and Larry Feudo is a standing member of the Standards Committee. At the AFM Conven-



Committee (photo below) and I was appointed as a standing member of the AFM Organizing Committee (photo below). It was an honour for us to represent the membership of Local 293 at the Canadian Conference and AFM Convention.



tion, President Feudo was appointed to sit on the AFM Elections

AFM Election Committee



AFM Organizing Committee





Photo op with the MPTF Team, Vidrey Blackburn, Samantha Ramos and Trustee Dan Beck at the

100th AFM Convention

Local 293 2nd V-P Janna Malseed with AFM President Ray Hair



In the past few months, we lost a couple of well known life members of the Hamilton Musicians Guild, drummer Bob Wright and saxophonist Libby Ferrelli, Also, a very good friend of Local 293 members, booking agent Harold Kudlets, passed away in September. They will be forever remembered by many in the Hamilton area.

Bob Wright and his twin brother Bill came to Canada from Grangemouth, Scotland, in 1948 and, eventually opened Wright's Music Store and Banquet Centre on Concession St. in the late 1960s. Bob played in numerous Hamilton-area bands from the 1950's through the early 2000's and taught hundreds of drum students in the Hamilton area. His passion for music continued after his retirement, creating a music studio and rehearsal space in his basement in Ancaster where he practised and recorded until shortly before his death. A lover of jazz, Bob mastered many styles. He also played in various pipe bands and orchestras, including the Hamilton Theatre Inc., and, with brother Bill, led the band at the Hamilton Tiger-Cat games for several decades. I had the pleasure of playing many gigs with Bob over the years including a 26 week television variety show performed in front of a live studio audience called "Vince Hill at the



Bob Wright Drums



Libby Ferrelli Saxaphone



Harold Kudlets Booking Agent

Club" which aired in 1970 on CHCH TV. Another memorable gig with Bob Wright was playing with Tiny Tim at Diamond Jim's Tavern in 1971 (note: Harold Kudlets was the booking agent that brought Tiny Tim to Hamilton shortly after his marriage to Miss Vicki on the Johnny Carson Show). Bob Wright was a true gentleman and a friend that I will always remember.

Libby Ferrelli played with the George Arnone Big Band, the Hamilton Italo-Canadian Band and many others over .Continued on page 4...



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.....Continued from page 3.

the years. Libby was performing with the Italo-Canadian Band at an event in Brantford, Ontario in August when he collapsed and passed away later in hospital. Libby as former conductor of the Italo-Canadian Band was very passionate about his music and all the groups he was affiliated with over his career in music. He will be very sorely missed by the music community in Hamilton.

Booking Agent Harold Kudlets was well respected by musicians from the Hamilton area as well as others from across Canada and the United States. Please see the article by Paul Panchezak in "Local 293 StreatBeat" on page 9 regarding Harold and his influence and lasting memory on many musicians.

The Hamilton Labour Day Parade and Picnic was a great success this year. I would like to thank the MPTF for co-funding the Live Music at the Labour Day Event and Paul Sharpe, Director of AFM Freelance Services & Membership Development for his help and advice from the Freelance Program to provide Local 293 with AFM cofunding. This enabled us to promote benefits and services of the AFM to musicians and the general public in the Hamilton Area. Cathy Lee, Administrative Assistant, from the CFM office joined us in the parade and staffed the CFM Booth at the after parade picnic.. Many visitors and local politicians stopped by and were informed of the importance of the AFM, CFM and Local 293 in our community. Check out Director Brenda Brown's article and photos from Labour Day on pages 12 and 13.

Music is a Business and, as a member, you can benefit by gathering knowledge and understanding of how your AFM/CFM membership can benefit you. You are only a click away from gaining knowledge and support in your musical career. Set up your **Username** and **Password** at the AFM.org to access the members only sections of the AFM/CFM and Hamilton Musicians' Guild websites. Play it right & get in touch with MyAFM. It's yours to discover. Time to get involved.

If you have any questions, do not hesitate to contact the Local 293 office by phone at 905-525-4040 or email local293hmg@bellnet.ca.

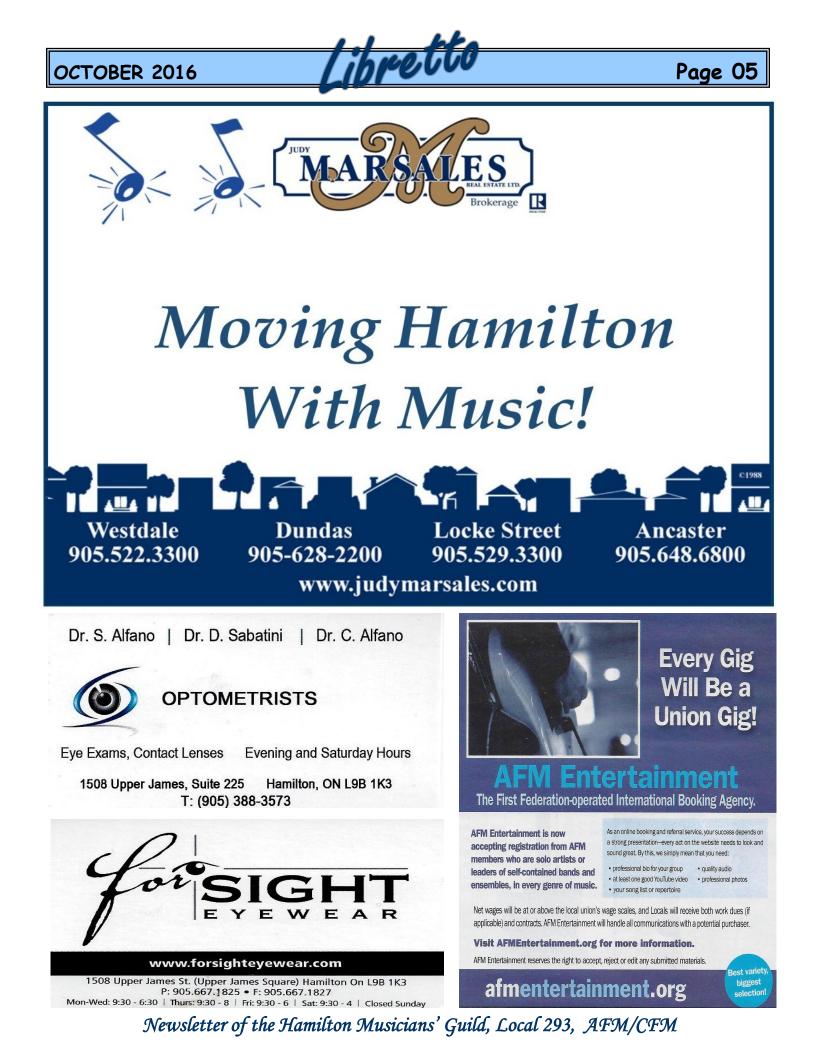
Yours in Solidarity,



Brent Malseed











PROTECTING MUSIC COPYRIGHTS FROM INFRINGEMENT

by Paul Spurgeon*

This is part one of a two part article on copyright infringement. These articles are for general information only and should not be considered legal advice. Due to space limitations, the information here is a limited overview of the topic. It does not provide a full discussion of this very complex and technical area of the law. Readers are cautioned to seek competent legal counsel to ensure that you are properly represented if legal advice is required.

BORROWING,

STEALING,

RINGEMENT

Paul Spurgeon

Part One

Music copyrights are infringed every day in different ways, for example, through unauthorized downloading, performances, reproductions etc. In rare cases, a copyright in a musical work can be infringed by an individual or a business that <u>claims authorship</u> of a particular musical work that they did not create. This kind of copyright infringement is often referred to as *plagiarism*.

However, most copyrights are usually infringed – not by those who falsely claim authorship or ownership – but by businesses that either intentionally or negligently exploit music (perform, communicate or copy it) without seeking permission from and compensating copyright owners. "Permission" in this context means <u>a license</u> that is required from the author/creator or their surrogate/ representative (a music publisher, administrator or record company) to perform/communicate or copy the music.

By far, most infringements that occur today are the latter. Namely, infringements <u>by businesses</u> or other entities that commit mass infringement of many music copyrights (songs and recordings of songs). These businesses do not seek permission, or compensate copyright creators and owners for performances, communications or reproductions of musical works and recordings of musical works. For example, online services or a "bit torrent" sites that facilitate unauthorized (P2P) uploads and downloads.

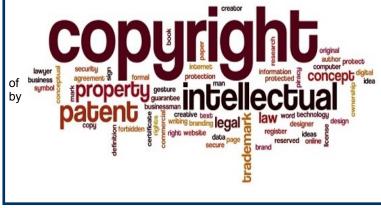
This part of the article will briefly deal with the kind of infringement first mentioned above – *plagiarism*. This issue arises when there is a dispute as to who is the creator (writer or writers) of a particular musical work (song). And more importantly, what things a creator may wish to consider to <u>help protect</u> the copyright in an original musical work (music and lyrics), in the rare event that -

- 1. Someone makes a claim <u>against you</u>, claiming that they created the original musical work that you claim as yours (this includes music and lyrics)
- 2. You have to take legal action <u>against someone</u> who claims that they wrote the original musical work that you claim you created.

Protection for those who create or own musical works and recordings of musical works in Canada, comes exclusively from a Canadian Federal law called the *Copyright Act*. In other words, a work can only be infringed in contravention of the Canadian *Copyright Act* (as interpreted by the Canadian courts). While copyright rights are subject to a number of conditions and exceptions in the *Copyright Act*, copyright <u>automatically</u> exists in Canada for the author, for a term, for every <u>original</u> musical work, that is, music and lyrics. "<u>Original</u>" means that the work was not copied from a pre-existing work). "<u>Automatically</u>" means that an author of an <u>original</u> musical composition - strictly speaking - <u>does not have to do anything formally</u>, (for example register their claim) to prove that they are indeed the author, unless they are required or advised to do so. As we will discuss, there are things that you may choose to do to take advantage of certain laws in other countries, for example by ensuring you have attached the proper "copyright notice" on any visually perceived copies of your musical composition (e.g. lead sheets) or on sound recordings released to the public.

Note that the law applies in Canada to Canadians and to nationals of other "eligible" (copyright treaty) countries. Many countries do not even have a registration system, or any other formal system of protection. Remember that the copyright laws of other countries are often very different from the laws of Canada. And that while treaties help protect Canadian copyrights in other countries, care should be taken not to assume that Canadian laws are the same elsewhere, especially the United States.

When it comes to infringement for *plagiarism*, nothing is usually "black and white". Many musical works are based on other



y "black and white". Many musical works are based on other works – or non- copyrightable elements of other works, including works that are in the "public domain". Works in the public domain are not protected by copyright. Many works are also based on <u>ideas</u> (grooves, rhythms, "feelings" etc.) from other sources. Ideas cannot be protected by copyright, nor are chord progressions protected. Only the <u>unique (original) expression</u> those ideas and progressions (the music and lyrics) is protected copyright. But sometimes these concepts become "blurred", as was recently seen in the US legal case involving the popular recording "Blurred Lines" (no pun intended). Disputes of these kinds are not only a question of law but are a question of fact and law, that a judge or jury may have to decide. But most cases never get to that point. And the music business adage:

Continued on page 7...



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"where there's a hit, there's a writ" often applies. In other words, if money is involved, people are quick to take action whether ultimately provable.

If a case does go to trial, while there may not be a single "legal test" to determine if a copy has been made, Canadian courts typically determine whether the infringing work has a part or parts of the original work (the copied part) that is a "substantial part" of the infringing work. Canadian courts have done this by conducting a "qualitative and holistic assessment" of the similarities between the works under dispute. This is referred to by the courts as the "substantiality analysis". But what is considered "substantial" by the courts is a flexible notion that is a question of fact and degree. Furthermore, "degree" is not only a measure of quantity (number of notes or bars) but also a measure of quality.

This does not necessarily mean that an infringer can simply add some new parts to their work after copying important and original parts of another original work, hoping that all the dissimilarities – on balance - will somehow exonerate them by the creation of a new work. They may not. Differences can be relevant, but similarities are the primary focus. In general, the overall character of the work, <u>as a whole</u> will be examined, not just isolated passages, (but which are also relevant), to determine if the infringing work unduly interferes with the rights of the author of the original work.

As noted above, cases of this kind are not always "black and white". Suffice it to say that it can be a very difficult, complex and technical process for courts to decide if that part of an original author's work, that is alleged to have been copied, is truly discernable or obvious in the alleged infringer's work (i.e. and obviously copied), or is only a different form or approach of <u>expressing a similar idea</u>, or is something that is already in the public domain – neither of which may be protected by copyright.

Providing evidence of authorship/ownership

In the unlikely instance that you find the authorship of one of your musical works being disputed by another person (<u>other</u> <u>than a dispute involving members of a band – which brings up even more issues</u>), there are steps that a creator can take that may <u>help provide</u> proof of their claim of authorship/ownership – <u>or at least help to fix a date when authorship is claimed.</u>

By taking some or all of these steps does not mean that your authorship claim (rights) can't or won't be challenged or that the other person's claim won't be better or successful. But it may help put your mind at ease, that you have at least taken steps to prove your claim of authorship should you need to do so in the future.

• Establishing dates. If you intend to release i.e. distribute or "expose in any way your musical work to the public, it is advisable to keep track of the important dates that help fix the approximate date of its creation. There are several ways you can do this. For example, you can "snail mail" or courier a copy of the lead sheet/score and/or recording to yourself in a sealed envelope with a post marked date and keep the sealed package in a safe place for future reference. A court might later open that

package at the time of the hearing as part of the evidence. You can also use electronic means – email/release date data and through recording and other dates (noted on invoices for example). For example, other musicians, performance or recording dates and personnel, etc.

• **Copyright notices.** Canada is a signatory to copyright treaties with other countries that provide for protection of copyright works in Canada and in those countries. One treaty provides that every visually perceived copy of a work be affixed with a notice that has the letter "C" in a circle or the word "Copyright" i.e. ©, the name of the copyright owner, followed by the year of "first publication". The notice must be placed in a manner and location to give reasonable notice of claims of copyright. For example, in the case of this article: © Paul Spurgeon, 2016 (found at end of the article). Interestingly, the United States has the same domestic requirement for printed or visual copies (i.e. ©), and the US also has a notice for "phonograms" or "sound recordings" except that the © is replaced with a "P" in a circle. For example, @ A Record production Co. 2016. If you



intend to release a sound recording in the United States, you should affix this notice to each and every physical copy (e.g. a CD) that is distributed to the public.

Registration of your copyright claim under the Copyright Act in Canada. The Canadian Copyright Act provides for registration of your copyright claim but registration is not mandatory to provide protection in Canada. (As noted above, copyright is "automatic). And registration in Canada does not allow you to send a copy of your work or recording to Ottawa for registration or safekeeping purposes. A registrant only sends a completed application that includes the title of their work. While registration of your copyright claim in Canada does provide certain benefits including presumptions of authorship or ownership for certain purposes, registration is not absolutely necessary in Canada. But registration in Canada may still be helpful and even necessary in the future, depending on your particular circumstances. Registration of a work in Canada costs either \$50.00 or \$65.00 depending upon the nature of your filing. For the latest information you should go online at www.cipo.ic.gc.ca/copyrights

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- Registration of your copyright claim under the Copyright Act of the United States. While registration in the US is also
 not mandatory, unlike in Canada, registration is a very important and indeed a necessary step to take, <u>especially if your works
 obtain any kind of distribution or exposure in the US</u>, which in the online world is very likely. Unlike in Canada, there are several very important benefits to registration in the US that cannot be ignored, especially if legal action is taken in the US. The
 scope of this article does not permit a detailed discussion of those important benefits. Information online is at http://www.copyright.gov/
- Registration/notification of your work with your agents and licensing representatives. If you have a music publisher or administrator, it may decide if and when to register your copyright claim in the Canada and/or the US (or both) depending on a number of factors. Obviously, the date you assigned the work to your publisher can also help establish a useful date. If you are a member of SOCAN or CMRRA or if your recordings/performances are licensed through ReSound (via MROC etc.) you may also have the opportunity to advise these associations of the titles of the musical works or recordings that you created or were involved with and that they may license on your behalf. While notifications with these organizations or agencies are not "legal" registrations like those carried out by governmental authorities, the dates on which you notify these organizations of your work or works, are dates that may assist you in establishing your claim in the future should you need to do so in the future.
- Registration with the Songwriters Association of Canada (SAC). SAC offers a service to its members called the "Canadian Song Vault" (Formerly the Canadian Song Depository). The following is from SAC's website: "The Canadian Song Vault exists to file and store copies of your original sound recordings, but also to potentially provide notarized copies of your original material should you ever need to substantiate your claim of original authorship." This is another tool that you may wish to consider to help establish your claim.

I hope that this brief article will help readers understand some of the issues regarding infringement and the possible steps a creator might wish to take to help establish their authorship of a musical work in the event of a dispute. To date, and compared to the United States, legal cases involving plagiarism in musical works in Canada have been very rare. But, as noted above, most copyright infringements are carried out by businesses or individuals who intentionally or negligently perform, communicate or reproduce musical works and recordings without permission. That will be the subject of Part Two.

Paul Spurgeon is a member and director of Local 149 (Toronto) a lawyer and former general counsel SOCAN. © Paul Spurgeon, 2016







Paul Panchezak

Local 293 StreetBeat

 ${\sf S}$ ince our last issue of the Libretto we are sorry to report the loss of a colourful and influential charac-

ter who played a major part in the Hamilton music scene for decades - Harold Kudlets. Mr Kudlets (actually born as Kudlats) passed away at Shalom Village just short of his one hundredth birthday. As an agent, manager and promoter he booked generations of Local 293 musicians into venues near and far. Born in Glasgow, Scotland Mr. Kudlets emigrated to Hamilton when he was eight. He was a graduate of Westdale Collegiate and for a brief period an employee of Stelco. His first venture into running his own business came when he set up a hot dog stand on the Beach Strip. Before getting involved with the music business some of his first adventures as an entertainment promoter were in the sports world. In the days before professional baseball was integrated Mr. Kudlets



Harold Kudlets

was known for bringing teams from the Negro Baseball League, including the Cleveland Buckeyes and the Kansas City Monarchs with stars like Josh Gibson and Satchel Paige, to Hamilton's Scott Park in the city's east end.

His introduction to the world of music came about accidentally. In 1947, while managing the Forum Palace roller rink on Barton Street he was approached by two men who had booked the venue for a concert with the Glenn Miller Band. After some negotiations they turned the contract over to Kudlets and from that moment he never looked back. He was bitten by the show business bug like many before him. Using the Forum Palace as a base he brought many of the greatest stars of the big band era to Hamilton - Louis Armstrong, Benny Goodman, Tommy Dorsey, Gene Krupa and many more. In 1951 Duke Ellington opened the Dundas Arena for him.

Aside from larger venues Mr. Kudlets dominated a thriving club scene in Hamilton that included The Flamingo, the Golden Rail, Fischer's Hotel, Diamond Jim's and the Grange. It was through clubs such as these that he introduced Canada to the world of rockabilly and rock and roll music. After an initial success booking the young Conway Twitty (then known as Harold Jenkins) into the Flamingo, he asked Twitty's advice regarding other southern acts that might be suitable. One of the names Conway recommended was Ronnie Hawkins and the rest, as they say, is history. It was Hawkins who first gave Kudlets the nickname "Colonel", after Elvis's manager Colonel Tom Parker. It was also Ronnie Hawkins who was responsible for Mr. Kudlets long and renowned association with The Band, a group that grew out of The Hawks into Bob Dylan's backup band and international stars in their own right.

Over his long career, the number of musicians and venues Harold Kudlets worked with are way too numerous to mention. From his Harold Kudlets Agency office in the Connaught Hotel he booked more than local clubs. He also sent Canadian musicians as far a field as the world famous Peppermint Lounge in New York City and The Freemont Hotel in Las Vegas among others. He also boasted of his ability to land his acts on some of the biggest television shows over the years - The Arthur Godfrey Show in the 50's, American Bandstand in the 60's, Ed Sullivan in the 70's and David Letterman in the 80's.



The Flamigo McNabb & King St W

Twitty

The Grange 25 King St W

Harold Kudlets Agency Bay and York Street **Royal Connaught Hotel**

King Street E

There aren't many people in the music business that can look back with pride on a career that crossed paths with everyone from The Band and Conway Twitty to Tiny Tim and Bill Haley; from Nat King Cole and Billie Holiday to Chesty Morgan. It is no understatement to say that with the loss of "Colonel" Harold Kudlets after a long and eventful life we have truly seen the "end of an era" in Hamilton music.

On other notes, another Downtown Supercrawl has come and gone - a success despite inclement weather. And once again Local 293 members were well represented among the many musical acts. As in past years a contingent of the Hamilton Philharmonic Orchestra took part in the festivities. Other noteworthy participants included Thompson Wilson, Darcy Hepner with his celebrated Jazz Orchestra and world music exponent, sitarist Neeraj Prem. One of the most anticipated headliners was Hamilton's Dirty Nil whose high energy shows are a hit right across the continent. In the midst of promoting their latest release on Dine Alone Records, "Higher Power", group members Luke Bentham, Dave Nardi and Kyle Fisher have just finished a Canadian tour and are now working south of the border hitting concert halls and clubs from Atlanta, Georgia and Nashville, Tennessee to San Francisco and New Orleans bringing Hamilton music to the world.



Regards, Paul Panchezak, Sergeant-at-Arms



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Membership Matters

(Membership activity since last Libretto (April 2016)



WELCOME NEW MEMBERS

NEHAD MUSTAFA AHMED JOHATHAN ANDERSON KENTA AOKI DUC CHUONG AU MARK BAKER IAN THOMSON BROWN OLIVIA BROWN DAVID J CAMPBELL MARTIN CHORLTON CHRISTOPHER W CHRISTOU JOHN F CLARKE SARA E FEGELMAN TREVOR CALDWELL FENTUM OWEN T FISHER THOMAS D FITZPATRICK MICHAEL M FOURNIER ANDREW IOI ALICE KIM CHRIS ANTHONY LAURIGNANO KING PHAROAH MACBERNIE PATRICK MARTINI HAI NGUYEN LANCE OUELLETTE ADAM PAIN GABRIEL PATE ELIZABETH PENTLAND THANH NAM PHAM LEE A RABACK PATRICIA A RECOURT STEPHANIE SCHOLMAN CALEB SMITH ANDREW SWAIN DARYL THISTEL ANNA TIMOSHENKO NAM DINH HOAI TRAN JOHN M VAN MIL THOMPSON ADAM WILSON-SHAW MICHAEL WOOD ANDREW J WORLING PAUL WURSTER MEHMET YESILIDENIZ

MEMBERSHIP REINSTATED

DON BERRYMAN PETER CROLLY NICOLA D' AMICO CARLO DI BATTISTA JAMES DAKU JASON LAMBERT-MEINDERSMA KRZYSZTOF LYSIAK MARIUSZ MICHALAK MIROSLAW WYSOCKI WAYNE J KRAWCHUK GIUSEPPE MANCHISI STEPHEN PENTLAND

RESIGNED IN GOOD STANDING

KEEGAN BEACH JOHN BIANCHINI DAMIAN BIRDSEY GEOFFREY BROOKER JONATHAN CABATAN WAYNE JANUS DANIEL LOCKWOOD JOHN MORLEY SAL ROSSELLI SAMANTHA RUTHFORD BRADLEY ADRIAN PETER SCHMALE CURTIS TONE DAVID VUKOVICH

SUSPENDED (as of March 31, 2016)

DANIEL P D'ENTREMONT JEFF EAGER JIM HOWARD JERRY JOHANSEN JASON LAMBERT MEINDERSMA ANDREW LITTLE KRZYSZTOF LYSIAK GERALD MCGHEE MARIUSZ MICHALAK MIROSLAW WYSOCKI

How To Resign in Good Standing

Moving out of the region? Got a great job somewhere else? Taking a break from the music scene? We are sorry to lose you, but before you leave, please send us a letter or an email to let us know when you'll be ending your membership in Local 293. This will prevent any additional fees for both you and the Local. We can also help you transition into another Local if you are moving.

To alleviate any confusion regarding Resigning in Good Standing, please note:

You can only resign in good standing if you are indeed in Good Standing. Good Standing means that you have paid any back dues and/or penalties before resigning. To resign you simply write the Local (post or email) to inform the office of your intention to resign. To rejoin the Local there is a \$15.00 fee. If you have any questions, please call contact the Secretary-Treasurer.

NOTE: If you have any questions about your membership status, please contact the office.



LIFE MEMBERS

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Terrence J. Ball Terry Basom John Bebbington **Paul Benton Terry Bramhall Mikhail Brat Geoffrey Brooker** Joseph E. Callura Frank Chiarelli (aka Frank Rondell) **Rita Chiarelli David Clewer Robert Devey** Lynda Eady

Roger Flock Andrea Garofalo **Dennis Grasley** (aka Sonny Del Rio) **Brian Graville James Heaslip** Al Hirsch Jean-Norman ladeluca **Al Ippolito** Matt Kennedy **Daniel Lanois** Ralph Lefevre **David Linfoot Robert Lowe**





Maggie MacDonald Michael Maguire **Glenn Mallory Brent H Malseed Kevin A Mann Peter Marino Russell McAllister** Jack Mendelsohn **Diane Merinuk** Frank Musico Natalie Mysko **R. James Nelles Carmen Nemeth Neil Nickafor**

Jon W Peterson **Peter Rihbany Avis Romm David Russell** Steve Sobolewski John Staley **Donald Stevens** Jacquline Sutherland Ian Thomas Valerie Tryon **Harry Waller Rudy Wasylenky** Russ Weil **Arlene Wright**

EXPELLED MEMBERS as of DECEMBER 31, 2015

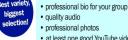
ROBERT ARMITAGE EVAN BOND GORD BOND **KENNETH LLOYD BOWER AARON BOWERS** COREY BROUWER RYAN BUCKLEY LINDA CHOI **CHUCK COLES CALEB G COLLINS TIMOTHY E CRAWFORD ARON D'ALESIO** DANIEL P D'ENTREMONT JACK DE KEYZER SIOBHAN DESHAUER DANIEL DICKSON **RON DEWBERRY** JEFF EAGER DANIEL EMPRINGHAM **PAOLO ERME** MATTHEW FONG NOAH FRALICK PETER GRIFFIN FRANK GROSSO NICK HIND-KNAPP JIM HOWARD JONATHAN IBAY HANNAH JACKSON JERRY JOHANSEN **MEGAN G JONES** CHRIS KETTLEWELL TAYLOR KNOX **KIM KOREN MARK LA FORME**

COREY LACEY BURTON LAVERY KENADLYN LEGASPI ANDREW LITTLE JEFF MALLARD GERALD MCGHEE **SEAN MCNAB** KIYOMI MCCLOSKEY **BENJAMIN MUNOZ** SPENCE NEWELL **PATRICKO'BRIEN** MATHEW O'CONNOR LAURA PETRACCA ADAM POOT ANTONIO PULSONE **JO-ANNE ROONEY-BREWIN KRISTIAN ROWLES EVAN RUTLAND DIANNE RYDER** SANDRO SANCHIONI NILTON SANTOS JOHN SMITH ANDREAS SPARBOOM **MADONNA TASSI ETHAN TILBURY BRADLEY TOEWS** SERGE TREMBLAY **EMMA VACHON-TWENEY KRISTAL L VANDERKRUK TONY VERNA BRANDON WALKER** JEREMY WIDERMAN HENRY WILK



from AFM members who are solo artists or leaders of self-contained bands and ensembles, in every genre of music.

> As an online booking and referral service, your success depends on a strong presentation-every act on the website needs to look and sound great. By this, we simply mean that you need:



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Net wages will be at or above the local union's wage scales, and Locals will receive both work dues (if applicable) and contracts. AFM Entertainment will handle all communications with a potential purchaser. nent reserves the right to accept, reject or edit any submitted m

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Brenda Brown

Solidarity on Labour Day

On September 5th, members of the Hamilton Musicians Guild joined with organized labour groups from all across the Hamilton region to participate in the annual Labour Day Parade. It was a sunny and warm day. We gathered on York Boulevard along with a diverse and energetic mass of steelworkers, teachers, electricians, firefighters, social service workers, healthcare workers and dozens of other groups, and their families. The parade moved off at 10:30 AM. Our group of more than two dozen members were proudly sporting the AFM logo on our blue t-shirts, and we carried the flag of the American Federation of Musicians of the United States and Canada (AFM) and the banner of the Music Performance Trust Fund (MPTF). Members sang a few songs of solidarity while walking along. Many opportunities arose to greet members of the public along the parade route, which took us through the core of

downtown Hamilton and finished up in Dundurn Park with a picnic. We took time to take a group photo near our booth, which was staffed by Brent Malseed and Cathy Lee, staff member from the Canadian Federation of Musicians office. Thank-you Cathy for joining us for the day! Guild member Andre Bisson had his band ready to entertain the masses with a variety of up-beat, popular songs. Local labour leaders were in attendance and took their turns addressing the crowd, along with a few local, provincial and federal political representatives. Participation in the Labour Day Parade was a great day to show our connection with the various labour groups and organized professions in the city. We were encouraged that even more members joined the Labour Day Parade in comparison to last year, which helped make sure that musicians are visibly represented as the professionals they are. Imagine what it will be like next year if we can bring out our entire membership of over 600 people!





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The CFM Information Booth was staffed by Cathy Lee from the CFM office alongside Local 293 members. Stopping by to say hello and chat with us were Ontario NDP Leader Andrea Horvath, along with Monique Taylor, Hamilton Mountain MPP. Also, Federal Members of Parliament Scott Duvall, NDP and Bob Bratina, Liberal, dropped by to chat at the CFM Booth. The Andre Bisson Band provided great entertainment at the Labour Day Picnic, cofunded by the H&DLC & MPTF.







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Is Pay-To-Play Ever Acceptable?

Live music is tough business for artists & venues alike, but should artists be expected to cover costs?

By Michael Raine

IS PAY-TO-PLAY EVER ACCEPTABLE?

Live music is tough business for artists & venues alike, but should artists be expected to cover costs?

This article originally appeared in the July/August 2016 issue of Canadian Musician magazine

Back in May, *Canadian Musician* received an email from Hamilton, ON-based independent singer-songwriter Piper Hayes detailing a recent experience she had with an unnamed venue owner. Recounting their email conversation, Hayes told CM the venue owner said she, the artist, would need to cover the cost of the doorperson. "When I asked if I could have my own door person," Hayes continued in her initial message, "I was told, 'I can't due to the neighbourhood. We need bag checks and the front watched closely as people like to take booze outside.' This indicates to me that the door person needs to be an employee and therefore covered by the venue itself."

Though covering the doorperson's wage is unusual, the expectation that musicians cover costs – either by paying a fee to the venue for the "privilege" of playing, or covering costs directly by, say, paying the sound tech – is unfortunately a not-too-uncommon occurrence. The practice of "pay to play" is decades old and online complaints from musicians continue to pop up with regularity. "I have been taking it upon myself as of late to challenge music venues on how they treat musicians," Hayes said in her email, "Over and over again, I approach venues to set up shows and I am met with pay-to-play standards."

"I find there's a trend in paying for the sound person and it's anywhere from \$40 to \$100," Hayes later says by phone. In another example, she recalls, "I was part of this festival this year and then it got cancelled. I was supposed to

be playing at [a venue in Toronto's Kensington Market] and they contacted me and said, 'Would you still come? Would you still fill the spot?' I said, 'Yeah, great. What are the terms?' The terms of the festival were I was offered a guarantee and we were playing with two other bands. It was in Toronto and I live in Hamilton and even transportation and all that factor in, and they said, 'Well, it's the same thing, we'll do this at the door and you pay \$60 for a sound person.' Well, that's not the same thing. She called it a 'nominal fee of \$60' and I'm like, 'Well if it's so nominal, why don't you pay it? I don't understand.'"

Hayes messaged the other two artists on the bill and explained why she was going to say no to the gig. A little surprisingly, "One of them wrote me back and sent a really long message about why I should do it – that the \$60 isn't that much and 'if we get this many people, then we'll make this much," Hayes recalls, "and the real-



Piper Hayes

ity is, too, that it's not true for me. I will make more money if I go across the street and play at the old coffee shop I used to work at, do a pass the hat or whatever I want, and not have that loss of \$60. But it is ethical, as well. I don't want to encourage that system anymore. It's an old, broken system."

Shawn Creamer couldn't agree more. Creamer owns the Dakota Tavern, a staple of Toronto's roots music scene, as well as the Hayloft Dancehall in Prince Albert County and the Whippoorwill Restaurant and Tavern in Toronto, in addition to being a guitarist and singer with highly regarded alt-country band The Beauties.

"Totally would never happen... I've got two venues and there would never be an occasion at either of those venues where we would have an artist pay to play," Creamer tells CM emphatically. "For one, it's an ethical decision, and being a musician, I would just never do that to another musician. But I think it is also a business decision, too. I own music venues and we have a place where we need, sort of, a farm system for young bands to be able to come up and go through. So for us to be only thinking about the bottom line and having bands pay to play would not be good for business for us at all. It would tarnish our reputation as being a reputable place for bands to get their start. The Dakota only holds 130 people, so it's a great place, that sort of venue where a band really cuts their teeth and is a good stepping-stone from our venue to bigger venues. I think if you're paying to play, you wouldn't last too long." *Continued on page 15....*



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.....Continued from page 14.

What is acceptable, Creamer says, is for the venue to expect the band/artist to hold up their end of the bargain, which means promoting their show. "It should be an agreement between the venue and the band that they're going to promote this together," he says. As far as payment, an artist should expect a guarantee, which can vary, and likely also a split of the door. An 80/20 split of the door revenue is common, with the band getting the majority share, and the smaller percentage going to the venue to pay for the PA rental, sound tech, security, and/or other costs. The venue, Creamer says, makes its profits from food and drink sales.

"For The Beauties, my band, if someone told me they were taking 50 per cent of the door or we were only getting paid if they made X amount of dollars at the bar, I would go, 'Forget it, I'm out.' As a musician, I wouldn't play for it and as a bar owner, I would never put that on a musician to make them feel like that was their responsibility," Creamer adds. What is considered an acceptable offer for their services



band is providing a service and deserves compensation. It's the same as if they were the server, security, sound tech, or any other employee or hired hand. It is also about selfrespect. "I think my tipping point just became, 'I need money because this is my income now and I need to value myself,"

is up to the artists to determine, but the basic message from both Hayes and Creamer is just that – that the artist/

cause this is my income now and I need to value myself," says Hayes, noting how tiring it has become for her – working as her own promoter and manager – to reach out to venues and nearly half of the time receive a pay-to-play offer in return.

If, in some quarters of the live music industry, pay-toplay is prevalent to a degree, then it must be working for someone. It's unlikely that person is the musician. Pay-to-

play would not exist if it didn't succeed on some level for the venue owners; therefore, are artists who accept these conditions undermining their fellow musicians? Hayes is fairly diplomatic on the question; Creamer, not so much.

"I don't necessarily inherently feel that," says Hayes. "The problem is, there are so many categories of musicians, and that's not a bad thing. It just means there's going to be some people who don't need it for the finances; they're doing it as a hobby. There's going to be bands of people's parents who have been playing for 30 years and that's just what they do. I think that's great and I don't really feel undermined. It's a really hard road to walk and I would never want to judge somebody or feel poorly about some of the choices they make. It's so hard at the end of the day and, if anything, if people are doing that, I might just say, 'Here's why that's maybe not a good idea."

Creamer, on the other hand, responds with an instant "100 per cent" when the question is flipped to him. "If someone is willing to play for free, then these [venues] are going to grab those people. And it's unfortunate because if you're going to try and make a career or make a go of it, you have to have respect for yourself in the first place," he says. "If you are willing to play for free, you've already devalued yourself and it's hurtful, I think, to the music community as a whole and as to what musicians consider to be the standard."

Running a music venue, bar, or restaurant is not an easy business. In fact, it's extremely stressful and tough to turn a profit. Musicians should be sympathetic to that, but that sympathy shouldn't come at the expense of their own livelihood and self-value. As Creamer advises, "I always say the same thing to young bands. I tell them, 'Tell me what you're worth, and then show up and be worth it."

By Michael Raine, Assistant Editor of Canadian Musician; article printed by permission.





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Discover

the AFM Advantage

The American Federation of Musicians is your best source for a wide variety of benefits and services including:

-) Canadian Office
-) Low rate insurance plans
-) Preferred rate credit cards and loans
- > The AFM & Employers' Pension Fund
- Residual payment and royalty funds
-) Emergency relief funds and special benefit funds for disabled members
-) On-the-road assistance and legal help
-) Assistance in recording and electronic media services
- Legislative representation
-) The International Musician magazine
-) Special discounts via AFL-CIO's Union Privilege Program

It's a great time to be a member! Join today!

American Federation of Musicians of the United States & Canada Raymond M. Hair, Jr., International President 1501 Broadway, Suite 600, New York, NY 10036 212-869-1330 www.afm.org | www.cfmusicians.org

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We offer an "all-risk" musical instrument and equipment insurance plan that protects your gear from vandalism. breakage, water, fire, lightning, and theft up to the full replacement value.

PREFERRED RATE CREDIT CARD

Creditworthy AFM members can qualify for the AFM Master-Card with no annual fee and a low interest rate on purchases.

Special Payments

AEM & SAG_AETRA FUND

We distribute US and foreign copyright royalties to sound recording session musicians and vocalists, and to instrumentalists involved in scoring

television and motion pictures exhibited in some foreign countries. Visit www.afmsagaftrafund.org to see whether we have money for you.

MUSICIANS RIGHTS ORGANIZATION CANADA (MROC) Founded by AFM in 1998, MROC

distributes neighboring rights royalties to musicians under tariffs approved by the Copyright Board of Canada. For more information, visit www.musiciansrights.ca

STRONGER TOGETHER



SOUNDEXCHANGE

AFM participates in the governance of SoundExchange, the world's largest collective rights management organization for featured recording artists and copyright holders. Visit www.soundexchange.com to find out whether undistributed royalties await you.

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FILM MUSICIANS SECONDARY MARKETS FUND (FMSMF) Created by AFM in 1972, FMSMF tracks, collects and distributes millions of dollars in residuals each year to musicians who per form work under the AFM's Motion Picture and TV Film Agreements Go to www.fmsmf.org for more

samples for distribution to musicians working under

EMERGENCY TRAVEL ASSISTANCE PROGRAM (ROAD GIG) Road Gig offers emergency assistance to get to the next gig or back home if a contracted engagement

is cancelled or if the purchaser/employer defaults on the contract. RECORDING INDUSTRIES MUSIC

PERFORMANCE TRUST FUNDS (MPTF) Since 1944, MPTF has provided funding for admission-free live music performances that are open to the public. See www.musicpf.org

It's a Great Time to Join

The American Federation of Musicians of the United States and Canada is the world's largest entertainment union of professional musicians

Over 80,000 strong, we perform all styles of music-rock, Latin, classical, gospel, jazz, blues, country, folk, big band, reggae - avant-garde or traditional, sacred or secular. We perform and record the music the world wants to hear.

AFM is the union of Bruce Springsteen Dave Grohl, Diana Krall, Willie Nelson, Melissa Etheridge, Bruno Mars, Yo-Yo Ma, Justin Bieber, Wynton Marsalis, Lyle Lovett, Buddy Guy, Carlos Santana, Shawn Mendes and thousands more.

In Canada, we operate as the Canadian Federation of Musicians, offering services focused on Canadian members.

AFM has served musicians for over 120 years in every musical workplace-on the concert stage, in the theater pit, in the recording studio, from national or international tours to neighborhood bars, throughout the US and Canada

We lobby the US Congress and Canadian Parliament for musicians' interests. We negotiate excellent industry-wide contracts covering sound recordings, television, motion pictures, jingles, touring musical productions, and more.

We collect and distribute intellectual property rights money from the use of sound recordings and audiovisual products at home and abroad.

We represent the finest musicians in the world. We've got you covered. For more information, go to www.afm.org or www.cfmmusicians.org. It's a great time to be an AFM member

STRONGER TOGETHER

LESTER PETRILLO MEMORIAL FUND FOR DISABLED MUSICIANS

The Lester Petrillo Fund provides financial aid to disabled AFM members on an emergency basis.

AMERICAN FEDERATION OF MUSICIANS' AND EMPLOYERS' PENSION FUND (AFM-EPF)

One of the largest pension funds in the entertainment industry with more than \$1.8 billion in assets, millions of dollars in pension benefits are paid to participating musicians by AFM-EPF each year. Visit www.afm-epf.org for more info.

LEGISLATIVE REPRESENTATION

We sponsor and lobby initiatives that address cross-border visa issues, public funding for the arts, labor law, copyright and intellectual property laws, flying with musical instruments, and more

FREE SUBSCRIPTION TO INTERNATIONAL MUSICIAN The International Musician is the official AFM journal

published monthly and available online at www.afm.org.

AUDITION NOTICES Monthly audition and employment ads are posted in the International Musician, available the first day of each month in the private members-only area at www.afm.org.

ONLINE RESOURCES AND FORUMS

You'll find plenty of new and exciting information online at www.afm.org-forums where you can talk shop: AFM media contracts, member search feature connects you to other AFM members.

UNION PLUS BENEFITS - VIA AFL-CIO

Get discounts on mortgage and real estate loans, health insurance, major medical, prescription drugs, dental and vision programs, consultation, and more.

We Know Your Workplace

CANADIAN OFFICE

of Musicians (www.cfmusicians.org), Located in Toronto, CFM is the leading organization for professional musicians in Canada, providing specialized services and help with touring, freelance and membership, contract negotiations and administration, royalty streams, and more.

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symphonic music students.

ELECTRONIC MEDIA SERVICES DIVISION

We administer AFM-negotiated recording agreements with global and local companies covering the entire media spectrum

TRAVEL, TOURING, BOOKING AND IMMIGRATION DIVISION We negotiate, administer, and enforce agreements cov ing musicians touring with theatrical musical productions.

FREELANCE MUSICIANS SERVICES Whether you're a young rock band from Seattle playing a one-nighter in Boston or a seasoned string quartet performing a local wedding service in Canada, the AFM

ORGANIZING AND EDUCATION

on all levels to organize to advocate musicians rights in our communities



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AFM Contract Protection

SIGNATORY BOOKING AGENTS

vse our list of franchised booking agents signatory to the AFM's Booking Agent Agreement

AFM CONTRACTS-GET COVERED, BE SECURE An AFM contract is the best protection for single, steady, and traveling engagements. We have contract forms for use by members in the US and Canada for every type of job.

CLAIMS ON DEFAULTS

If a purchaser defaults on payment to members for a traveling engagement, the AFM will attempt to resolve the dispute administratively or pursue the claim legally.

IMMIGRATION ASSISTANCE

For cross-border engagements, the AFM works with the governments of both countries to obtain work visas in either location covering single engagements or tours





afm.org | cfmusicians.org

Newsletter of the Hamilton Musicians' Guild, Local 293, AFM/CFM

info, or to check whether an unclaimed payment awaits you

SOUND RECORDING SPECIAL PAYMENTS FUND (SPF) Since 1964, SPF collects from US record companie percentage of sales from CDs, downloads, concert DVDs the AFM's Sound Recording Labor Agreement. Find out whether an unclaimed payment is waiting for you at www.sound-recording.org.



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Life Membership



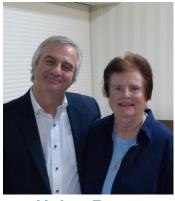
John Bebbington Life Membership



Carmen Nemeth Life Membership



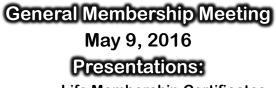
Neil Nickafor Life Membership



Helen Beese 25 Year Membership



Glenn Mallory 50 Year Membership



- Life Membership Certificates
- 50 Year Membership Award
- 25 Year Membership Pins



Bill Wright 25 Year Membership



Sterling Stead 25 Year Membership





Ginger Graham 25 Year Membership



Join us at our next General Membership Meeting Monday, October 17, 2016 * Presentation of Life Membership Awards *

MROC & NEIBHBOURING RIGHTS ROYALTIES

Musicians' Rights Organization Canada (MROC) distributes Neighbouring Rights and Private Copying Royalties to musicians and vocalists, across all musical genres, in Canada and beyond.

Most musicians know that songwriters collect money from SOCAN for radio airplay of their songs, but many musicians and vocalists remain unaware that they are entitled as musicians and vocalists to performers' royalties for the radio airplay of their recordings. Since 1998, Canadian law has recognized the performer's performance on a sound recording. As a musician or vocalist, you are entitled to **Neighbouring Rights Royalties** when a recording on which you performed gets radio airplay. These royalties are completely distinct from, and in addition to, any SOCAN royalties to which you as a songwriter are entitled.

Neighbouring Rights Royalties are paid to musicians based on tariffs covering commercial radio, satellite radio, pay audio and Canada's public broadcaster CBC/ SRC; and the use of recordings as background music in commercial/public venues. Tariffs for additional royalties are continually in the works. In Canada, royalties are also generated by a levy payable on blank audio CD-Rs sold in Canada. Distributions are based on a blend of radio airplay and album sales.

Their website www.musiciansrights.ca provides useful information on neighbouring rights and private copying royalties and on other revenue streams available to performers. There you'll find the forms you'll need to get signed up. They can also mail you an information package and forms. You can contact them at: **Musicians' Rights Organization Canada (MROC),1200 Eglinton Avenue East, Suite 505 Toronto, ON M3C 1H9;** info@musiciansrights.ca or 1-855-510-0279. *This information is used by permission.

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My first guitar came to me as a Christmas present when I was twelve and since then I have owned and played many guitar types and rising qualities. My introduction to Pongetti as a Hamilton music source came with the purchase of my Korg PA1x-Pro arranger keyboard and later, a 12-string guitar. After the Upper James store closed, I thought Mark Pongetti was a name I wouldn't hear much again but when Mark opened The Acoustic Room at 144 James Street South in the spring of 2015 I knew I had to check it out ASAP.

That was a good decision. I walked into the most exclusive looking guitar showroom I've seen and I've seen many, from Victoria, B.C to New Brunswick in my years involved with the musical instrument business. My first impression of the ambience brought to mind a royal wine cellar. That's fitting when you consider that exposure of the guitar finishes to sunlight is minimal and the expert climate control and humidity level are optimal for guitar health and longevity.

Kim Gardner Member of Local 293

In The Acoustic Room I found guitars for all skill levels with names that have well-earned respect, made in many countries. Mark's reputation and his collection have drawn buyers from all over the province and even the USA so if you are a Hamilton musician, you owe it to yourself to see it and become a friend and a fan. I've found his pricing compet-



itive, service unmatched, and business integrity refreshing. Even his wide variety of strings come at the best prices in the area so make your next string and pick run local and drink in the atmosphere as you compose your wish list of your next guitar acquisition.

Make sure you get on his online mailing list because he regularly hosts presentations by awesome musicians who are in the highest strata of professional guitar players. I have enjoyed several concerts at The Acoustic Room (yes seating is limited so sign up quickly) which have humbled me while simultaneously inspiring me to press on in woodshedding to excellence.

Make a Saturday visit with your guitar and Garren Dakessian, Loucin guitar maker and Acoustic Room's resident luthier and guitar tech will make the adjustments, repairs and intonation setup you have been putting off. He's expert, fair and easy to talk to. So, fellow Guild Members, get to know your city's celebrated musical resources and start with Mark Pongetti and The Acoustic Room.

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Purchases from Chedoke Flowers & Gifts will help provide financial aid to disabled members of Local 293.

When making a purchase at Chedoke Flowers & Gifts, let them know that you are a member of the Hamilton Musicians' Guild and 10% of your purchase will be donated to the Local 293 Bob Pedler Memorial Fund.

This fund is a charitable trust fund that augments financial aid to disabled members of Local 293 who have been approved for assistance through the Lester Petrillo Trust Fund of the AFM.

AFM UPDATES "ROAD GIG" ASSISTANCE POLICY

hen musicians travel to perform they face a host of challenges—from transporting and setting up gear in a new space, to finding a great late-night eating spot, to getting their instruments across a border or in the cabin of an airplane. The last thing any traveling group wants to worry about is getting "stiffed" on a gig. If that ever does happen, though, the AFM offers help through "Road Gig," an AFM policy to assist traveling musicians in the event of contract defaults. But what exactly is Road Gig?

First, let's talk about what it isn't. Road Gig isn't roadside assistance, help at the border with a missing visa or passport, nor help in the event of stolen instruments or equipment (instrument insurance is offered through Mercer in the US and HUB/Intact in Canada). It is assistance with contract enforcement, in cases where a venue or purchaser defaults on payment.

Qualifications

The AFM will assist with collecting on defaulted contracts, when the following criteria are in place:

- The claim is for a traveling engagement.
- The engagement is covered by a written AFM contract (for US engagements only, other written contracts may also be accepted).
- The contract must have been filed with the appropriate union local, and must meet minimum scale.
- Each instrumentalist and member vocalist who performed/would have performed, must be a member in good standing at the time the engagement was scheduled/performed.

The policy does not apply in cases where the venue/establishment is covered by an existing AFM Collective Bargaining Agreement, or in cases where musicians are acting as a backup unit for a traveling "name" artist/act.

Making a Claim

Claims can be made by calling 1-800-ROADGIG (762-3444) in the US, or 1-800-INFOFED (463-6333) in Canada. Claims can also be made via e-mail, to roadgig@afm.org. Any calls or e-mails received after normal business hours will be responded to on the next business day. Claimants should include a copy of the defaulted engagement contract, and all other pertinent information, such as venue and purchaser details, in their claims. Upon reviewing all this, the AFM will determine the appropriate course of action, and do everything it can to effect an equitable resolution to the claim.

Enforcement and Collections

When claims are made, the AFM's Touring, Theatre, Booking and Immigration Division will determine how best to pursue the claim. This usually begins with an official letter to the purchaser/venue to demand payment. If there is no immediate resolution, the AFM will seek authorization from claimants to pursue a legal collection process. At a minimum, the AFM may elect to pay musicians the Traveling Scale, at \$150 for leader and \$100 for sidemusician, for the defaulted gig.

When it comes to road gigs, the AFM isn't going to rush in and change a flat tire or keep a restaurant open past midnight. But we can help our AFM traveling members from being left out in the cold, when it comes to their gig contracts.







INSURANCE BROKERS & CONSULTANTS

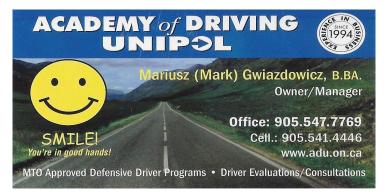
Current Benefits:

- The member chooses the value of each item to be insured. Only items above \$10,000 require an appraisal. The policy pays the limit shown on the policy.
- The members are only required to insure the items they wish to insure.
- If an item that was stolen is ever recovered the member has the right to purchase that item back
- You can schedule any item you use in your performance. It does not necessarily have to be a musical instrument.
- Claims under \$5,000 are settled in our office allowing for quicker claims payments
- Equipment Rental reimbursement should you need to rent equipment because your scheduled equipment was damaged or stolen.
- Promotional Items (CD's ; T-shirts, Posters) for a limit of \$2,500 is included free with the policy
- Low Deductible Most commercial policies have a \$500 or \$1000 minimum deductible
- Multiple Liability limits available 1, 2 and 5 Million limits. This allows the member to meet most if not all venue requirements for liability certificates
- Great Customer Service Email accepted 24/7 for adding or deleting equipment
- 800 number access all of North America
- Visa and Mastercard Accepted for payment
- Bilingual staff
- Instant Binding of Coverage on new applications
- Post mark date; phone call or email
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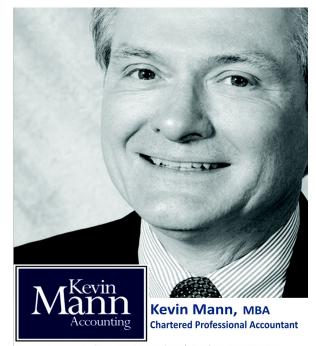
hamiltonmusician.com



All of these features remain the same, except as outlined below:

- New Rate: The equipment rate has been reduced from \$2.75/\$100 to \$2.00/\$100. The \$2.00 rate is 37% lower then the old rate.
- New Deductible: The deductible has been increased to \$100.00 from \$50.00. You should still insure items under a \$100 in value because if a case of gear goes missing it could have a number of items worth under a \$100 but together total \$500 - \$1000;
- New Liability Rate: The liability premiums have been increased to \$50.00 for 1 million and \$100 for 2million
- Added coverage for Advertising & Personal Injury Note - Personal Injury is liable slander not bodily injury which the policy has always covered
- Increased Equipment Rental Limit The rental reimbursement limit has been increased from \$1,000 to \$10,000 for no additional charge, should you need to rent an instrument, when yours has been lost, stolen or damaged.
- New Coverage at No CHARGE : Lost Income Should you be unable to play as scheduled due to an insured loss to your equipment or if the venue experiences an insured loss and is closed, your policy will pay your lost income less expenses to a maximum of \$5,000 for contracts signed prior to the loss for up to 21 days. Your signed AFM-CFM contract form is your best tool for proving loss of anticipated revenues.

Note: Application Forms are available on our website at: http://www.hamiltonmusicians.org/membership-benefits/



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Newsletter of the Hamilton Musicians' Guild, Local 293, AFM/CFM

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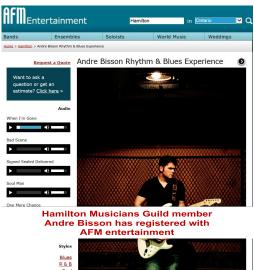






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Andre Bisson Rhythm & Blues Experience Andre Bisson (Hamilton, ON Canada) and his 5 Andre Bisson (Hamilton, ON Canada) and his 5 piece band have performed classic Rhythm & Biues, Funk, Rock, Swing and Sou in Canada, US, Engiand, Wales, and Ireland. To celebrate the bands 10th Anniversary, they will be doing their Sh European Tour this August 2015 and releasing a brand new album. Andre has released 5 award winning studio albums that are piayed internationally on Radio/Satellite. He won Miele Vocalist of the Year for the 2015 Hamilton Blues Awards and was noninated Overseas Artist of the Year for the British Blues Awards.

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