



## **Music Publishers' Association of the United States**

Minutes of the Officers & Board of Directors Meeting  
October 26, 2006 at BMI

Julie Averill (Administrator)	Absent
Marco Berrocal	Present
Steve Culbertson	Present
Daniel Dorff	Present
Louis Fifer	Present
Susan Feder	Absent
Kathy Fernandes	Absent
Lauren Keiser (President)	Present
James Kendrick Esq., Counsel	Absent
Kathleen Marsh	Present
Roger McClellan	Present
Dave Olsen	Present
Marc Ostrow	Present
Norman Ryan	Absent
Lynn Sengstack (Treasurer)	Absent
John Shorney	Absent
Todd Vunderink	Present

### Committee Chairs

Arnold Broido, Finance Chair	Absent
Brian Hill, Membership Chair	Absent

### **Call to order and announcements (Keiser) - 10:04am**

#### **Approval of Minutes for September 21, 2006 Meeting**

Approved as submitted

#### **Treasurer's Report**

Approved as submitted

#### **Brief on Copyright Related Matters**

Marvin Berenson, General Counsel, BMI reported to the Board on issues related to the Matter of Mechanical and Digital Phonorecord Delivery Rate Adjustment Proceeding. The main issue being debated involved the question as to whether a ringtone, made available for use on a cellular telephone or similar device constitutes delivery of a digital phonorecord that is subject to statutory licensing under 17 U.S.C. Section 115 and if so, what are the legal conditions and or limitations on such statutory licensing. The Memorandum Opinion of the Copyright Office was distributed to the Board asserts that ringtones delivered in this manner are subject to statutory licensing.

## *Old Business*

### **Report on Internet Piracy**

President Keiser reported that the President of the Christian Music Publishers Association (CMPA) called him to request that they be allowed to participate with the MPA and the NMPA in shutting down illegal guitar tab websites. The Board agreed to the request and authorized President Keiser to request permission from NMPA to include CMPA in the campaign. President Keiser also distributed a report showing the current status of the websites that have been contacted. It showed that significant progress has been made. Fourteen of the twenty-seven website listed on the report have closed down.

### **Membership**

**NMPA Membership:** A full report and discussion took place regarding the issue of including a membership to the NMPA to be included in the membership benefits of the MPA. The report outlined a number of concerns with the plan including potential problems related to administrative deadlines, renewal, differences in fiscal year accounting, etc. The issue was unresolved pending further review.

**Dues:** A cost analysis of adding PayPal technology and services to the MPA was submitted to the Board showing that adding this service to the MPA website would result in increased expenses of over \$1000. The Board determined that the expense outweighed the potential benefit of the service and rejected the idea of upgrading the website to accept PayPal.

**Fee Levels:** A discussion of the MPA membership fee structure took place. The decision was made to examine the possibility of changing the structure to include four categories and possibly reduce the fee at the top level.

### **New Music Jukebox**

The discussion was pushed forward to the next meeting due to the absence of key board members.

## *New Business*

### **New Officers**

President Keiser submitted the name of MPA board member, Kathleen Marsh for nomination as the new Board secretary, taking the place of Bob Thompson who resigned from the position in Sept., 2006. The nomination was seconded by Marc Ostrow. The nomination was approved by a unanimous vote.

### **Committee Reports**

**ACDA** – Lou Fifer. No Report.

**Annual Meeting** – Lauren Keiser. President Keiser reported that he has signed an agreement with the Princeton Club to host the next annual meeting in June '07. He also reported that Chris Anderson, the author of “The Long Tail” was no longer a viable choice as a keynote speaker at the event because his speaking fee was beyond our budget. President Keiser suggested that the board consider Bruce Weinstein, “The Ethics Guy” as a speaker. Mr. Weinstein is willing to reduce his fee to \$3500 for the MPA annual meeting. He is a nationally known speaker who would address the issues of copyright law and ethics.

**Archive** – Lauren Keiser. No Report.

**Awards** – Paul Sadowski. It was reported that the Paul Revere award exhibit is scheduled to appear at twelve universities around the country.

**Contribution** – Roger McClellan and Todd Vunderink have agreed to chair the contribution committee.

**Copyright and Licensing** – Marc Ostrow. No Report.

**Educations Contact and Trade Relations** – Lauren Keiser. No Report.

**Engraving/Production** – Dan Dorff.. No Report.

**Finance/Audit** – Arnold Broido. It was agreed that an audit of the MPA’s finances be initiated.

**International Contacts** – Arnold Broido. No Report.

**Membership Report** – Brian Hill. Brian Hill and Julie Averill are working on a kit to send prospective members which will include benefits of joining MPA as well as other print materials. Also in the works is a PowerPoint slide show on the website on the membership page. A full report will be made at November board meeting.

**MLA/MOLA/MPA** – Dan Dorff.. Dan reported that the MPA will be represented at the MOLA April convention.

**Performance** – Norman Ryan. No Report.

**Press/PR/Pub** – Kathy Fernandes, Kathleen Marsh. Last week Kathy Fernandez received the text back from Jim Kendrick for the school administrator promotion. It is in the hands of our designer with the revised copy. The online newsletter system being built by Boom Design has been approved and is in development. It should be online the first quarter of 2007.

**Research/Development/New Technology** – No Report.

The meeting was adjourned at 11:47am.