

From: [Larissa Zagorsky-Beaudoin](mailto:Larissa.Zagorsky-Beaudoin@ny.gov)
To: [FN-OMB-IntellectualProperty](mailto:FN-OMB-IntellectualProperty@ny.gov)
Subject: RE: Small Publisher Files 18-Pg. Public Integrity Complaint with the NY Atty General Re the Harry Fox Agency
Date: Tuesday, March 23, 2010 10:33:35 AM

FROM: Zagorsky-Beaudoin (Member of ASCAP)
Publisher/Publisher Designee
P.O. Box 424, Maysville, GA 30558
[REDACTED]

TO: Office of Victoria Espinel (U.S. Intellectual Property Enforcement Coordinator)

RE: Public Integrity Complaint No. 09-2626 Filed with the NY Attorney General's Office Re HFA

Dear Ms. Espinel:

Pursuant to a request for "feedback" regarding the costs and risks of copyright infringing acts, in particular, upon songwriters, please be advised that this small family Publisher filed the above-referenced Public Integrity complaint regarding the Harry Fox Agency (HFA) in December of 2009. The underlying basis of this Complaint pertains to the song "All Night Long," of which the Beaudoin Bros. are the copyright owners.

My primary purpose in filing this Complaint is not for any compensation of music royalties and payments that may be due this Publisher from HFA, but for "truth and justice" to prevail for all songwriters in the U.S., and for a powerful message to be sent throughout the music industry in the U.S. that songwriters 1) will not be taken advantage of through intimidation and abuse of power; and 2) will be compensated fairly and justly according to equity and law by those seeking to profit from their songs through commercial advantage or private financial gain, or such profiteers will suffer severe civil/criminal consequences for willfully violating any of the copyright owner's exclusive "bundle of rights" – for the sake of greedy gain.

As I have personally witnessed and experienced from 7/7/06 – 11/16/09 (the date HFA terminated this Publisher's affiliation with its licensing agency), HFA and its employees have willfully violated its/their duty to uphold public integrity in accordance with established moral values, norms and rules, and replaced such public integrity with intimidation, abuse of power, disdain for transparent accountability, clandestine actions, and a *catch-me-if-you-can* attitude. Instead of being fully accountable to this Publisher in its fiduciary trust relationship as required by equity and law, HFA tried to intimidate me into "immediately" terminating my affiliation with its licensing agency via an email on 11/5/09. On 11/16/09, HFA then wrote me an email notice (with a termination letter attached), which states as follows: "The Harry Fox Agency, Inc. no longer represents Zagorsky-Beaudoin [Publisher] in any manner" . . . "effective immediately."

This Publisher believes that HFA is not a licensing agency of "truth and justice" for songwriters in the U.S., but a quasi-monopoly licensing agency in N.Y. engaging in lies, deceit, and injustice - with impunity. Although this Publisher is not a lawyer, I have attempted to specify some ways in which I believe HFA has willfully violated public integrity as stated below:

ABUSE OF POWER, CONSTRUCTIVE FRAUD, WILLFUL BREACH OF FIDUCIARY DUTY, CONSPIRACY TO COMMIT UNLAWFUL ACTS, FALSE AND MISLEADING MISREPRESENTATION, THEFT OF PAYMENTS, DECEPTIVE PRACTICES, DOUBLE-DEALING, UNJUST ENRICHMENT, FRAUDULENT CONCEALMENT, CONFLICTS OF INTEREST, BAD FAITH, AND WILLFUL COPYRIGHT INFRINGEMENT.

A copy of the 18-pg. Public Integrity Complaint regarding HFA can be obtained from this Publisher/Publisher Designee through the addresses listed above. Thank you for taking time to review the matters above (in connection with the PROIP Act of 2009).

Sincerely,

Larissa Zagorsky-Beaudoin
Publisher/Publisher Designee
(on behalf of the Beaudoin Bros.)