

Copy to: SMILES MAKAMA
c/o : Leslie Goldman
Johannesburg
29.11.91.

(1c)

NOTE: Mark Rosin

19.9.91.

re: AZUMAH

We had communication problems with almost all of our productions, but none were quite as acute as the AZUMAH fiasco. The fact that they were eventually released in the UK without even as much as a notification to myself, 3rd Ear Music or the group and their management, emphasises this point.

At no time did anyone at TUSK inform me or AZUMAH of what the details of the UK release were, despite initial assurances to the contrary.

Even if they only sell one CD the fact remains that at NO TIME did anybody at TUSK mention what arrangements had been made, with AZUMAH or myself for:

- a) The publishing (3rd Ear Cat Music);
- b) The Band and its members - what royalty could they expect; what publicity and promotions could we tie-up from this international interest? (I believe that TUSK/DIAMOND MUSIC are unaware that AZUMAH have spent the last 6 months in Europe and the Middle East? They've just finished in Israel and are now in Ireland.)
- c) The Master-Tape lease arrangements - what percentages, times, track titles? etc;
- d) Credits - who gave KAZ the information, and why wasn't 3rd Ear Music informed and asked?

Please consider the following, and tell me if this is how a professional reputable record company operates?:

1) Before we entered into the joint venture 2 USA and two UK companies offered to negotiate an AZUMAH release: Shanachie, Rounder, Serengetti and Red Bus/Satellite Music.

BENJI asked me to wait and to see what would happen at MIDEM, 1990. In the meantime PHIL & BENJI insisted on acquiring CAT's (Des Lindberg's) share for 3rd Ear Music - I helped negotiate this with CAT, and in good faith justified the swap to AZUMAH....they were very happy with Des and myself since 1987. As CALABASH they had been thru' a "record company nightmare"

(2c)

2) PHIL promised the group the usual ie: everything from "international releases" to rehearsal rooms. I wanted to get them away from the pending IPI NTOMBI 2 and into IVAN HALL's feature film sound track.

(Why we lost the music in that feature, and why AZUMAH signed with IPI NTOMBI, is another story...certainly not in keeping with "developing SA talent from inception to success.....")

AZUMAH's "rehearsal room promises" were also Given to NOISE and SIMBA.

3) I trusted PHIL (as a director of the newco) to re-sign the band to the 3rd Ear Music project. After all they were already signed to 3rd Ear/CAT Music, and I was bringing in a prime "asset".....remembering that Des Lindberg and I had DEVELOPED and helped this band thru' dusty townships and shaky management deals for almost 3 years. We spent a fortune in recording, managing, accomodating and transporting the band.

Phil assured us that he had signed the group to the "new label". It took a long time for 3rd Ear to get the contracts and when they did arrive AZUMAH was signed to TUSK and not the joint Tusk/3rd Ear Music venture.

MICHAEL CHANG was as surprised as AZUMAH and I was and promised to get the contract ammended. In any case the publishing had already been assigned to 3rd Ear/CAT and registered with SAMRO in 1987.

PHIL assured us that we shouldn't worry as the band was on the 3rd Ear Music label and that "it was all in the family.."

4) BENJI assured us that KAZ RECORDS in London were going with it, and that he would keep me informed. At no time have I received as much as a memo of information. I can not believe that there is no formal letter, no advance or contract between KAZ and 3rd Ear.

Don't you think that someone should have at least consulted with the publishers?

5) The interest from RANDAL GRASS (SHANACHIE USA) and from RAY DORSET (Red Bus UK) had also grown, and as MD of 3rd Ear Music I assured them that they would negotiate with me.

Phil had nothing but complaints about the band. He and Liz had no idea where they were what they were doing, and in so many words they were not interested.

(3c)

I continued to "try" and negotiate...they were our group. I felt embarrassed not knowing what was going on, and tried to stall SHANACHIE & RED BUS.

6) What worries me, and should worry TUSK, is the lack of consultation with AZUMAH - especially, as they claim, how badly they were "treated". All the promises in the world BEFORE they signed, and total rejection and many excuses (about their lack of professionalism...sometimes justified, but often for good reasons) AFTER they had signed.

SMILER MAKAMA who was working (thru' 3rd Ear) with MANFRED MANN on the PLAINS project (bows on SEKELILE 2, and other tracks) explained how he had to wait in the TUSK passage for many appointments that never took place. I understand that the band were often to blame...but the point is they were less than charmed by the reception they got, after they had signed.

The point is that AZUMAH can use these problems to show how they have been "exploited." Because I kept defending TUSK and making excuses, they have stopped contacting me. From rumours I gather they see me as an extension of Tusk marketing, and are now not charmed with 3rd Ear Music.

With MANFRED's success, and a probable USA & USSR tour in 1992 and the sensitive political nature of how "disadvantaged people are always taken advantage of...." this episode of bad management, unprofessionalism and no attempt to communicate, could hang us all out to dry.

3rd Ear Music's response is that we are in no position to share the blame. I certainly have nobody to defend.

I think that BENJI and PHIL owe someone an explanation, before it all blows out of proportion. It's these "little" things that the BMU and the AAA in the UK are waiting to exploit.

7) The above problem typifies the sort of vagueness that went with almost each and every release we had...assurances that "marketing" knew what they were doing.

Without fail we had to send biogs, sleeve info, designs and even master tapes more than once, sometimes 4 or 5 times.

This is no exaggeration...I have a bent for "collecting" - every report and notice can be verified.

I must also mention that these problems are no reflection on Gail or Shiela. They tried their best under trying conditions.

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Conclusion:

You may think that all this petty detail is not important, given that the joint-venture is over, the 3rd Ear problem has "gone away...." If this were, as rumour from Tusk has it, a total "3rd Ear/David Marks" screw-up, I would be forced to forget it. Nothing will "go away" until these issues are publically, and fairly resolved.

Legally none of the artists' signed to the joint venture may have much to go on, (regarding TUSK fulfilling our contractually obligations) and we understand that "promises" made are infact a "variation" in the contract, but there is a moral obligation and the "spirit of the agreement" rather than the letter of the law, that TUSK should also consider.

These artists we signed and made promises to on the strength of our "commitment" and the "new Natal record company/studio", have a perception that they've been ripped-off, and that we, in effect, prevented them from furthering their careers. In some respects I must agree with them. This has left us all in a rather bad light....so for this reason we must make every attempt to explain our position and resolve the problems.

DAVID.

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