

STATEMENT OF JOE MULHALL AND JOHN RESTIVO

John Restivo is under contract to RCA Victor records. His first recording was released July 21, 1959. Public Relations Department at RCA Victor set up television appearances as part of promotion for the record. Mr. Pat Keillebar, Director of Artists Relations for RCA Victor, authorized the sum of \$550.00 to be used for expenses, etc., which would be deposited in my personal checking account. RCA arranged for appearances on the Alan Freed "Big Beat" TV program and said that I should make payments to the Freed show in the amounts to be specified by Freed's representatives so that John Restivo would be allowed to appear on the program. These payments came from my personal checking account from the money that was supplied to me by RCA Victor. We made two (2) appearances and paid \$172.00 to Stamford Productions to a Mr. John Brantley, who is Talent Coordinator for the Alan Freed "Big Beat" program produced by Stamford Productions. Two weeks later, I picked up a check at AFTRA for \$129.00, less taxes, from Stamford Productions. My understanding about this from Brantley was that this was equivalent to the payment we were required to pay to Stamford Productions when Johnny went on the program, minus federal taxes and union fees. On August 15th, I paid Stamford Productions \$290.00 for two more appearances. On August 26th, I received a check from Stamford Productions in the AFTRA office for \$258.00, less withholding tax and social security, which was in payment for these two appearances. It wasn't until the day before, on August 25th, that I realized what had been happening in regard to these payments. I was told by an AFTRA representative that these payments were in violation of an AFTRA ruling. On that day (August 25th), John Restivo made an appearance on the Freed show for which I was led to believe I would have to pay an additional sum. I was not asked for a check and did not offer to pay. Knowing what I know now, if they ask me for a check, I will say, "See RCA Victor".

Johnny also made an appearance on the "Rate the Record" show with Hy Litt in July on Station WMTA, for which I paid \$103.20. Some time later, I received a check of \$87.00 and some odd cents for that show, with the same understanding of equivalent reductions for taxes and social security.

While in Chicago, as part of John Restivo's nation wide tour, he made an appearance on Chicago Bandstand on Station WNBQ TV for which I paid the sum of \$33.60. Yesterday, on August 25th, I received a check from NBC Chicago for \$25.40, net.

During the last week of July, Johnny appeared on the Boston Ballroom (Bob Clayton) WBEH TV. No mention was made of fees and he was not paid. He did lip synchronization to his recording.

(Cont.)

Up until August 25th, I had no realization of what was going on. I desire to clean up the situation on John Restivo's behalf and clear his name from any illegal maneuverings.

According to our computation for John Restivo, he has been paid by Stamford Productions \$367.00. I understand that the AFTRA minimum for this is \$129.00 per show, or a total of \$645.00 for the five (5) shows. I have paid \$462.00 to John Brantley for John Restivo's five appearances on the show.

We deal directly with Pat Kelleher, who is Director of Artists Relations on RCA Victor. He sets up all of Johnny's television appearances. Johnny's contract provides 3% royalties for recordings to be paid twice yearly, in November and in April. Johnny has made two record sides and is due to make an album on September 1st, 2nd and 3rd, which will consist of twelve (12) sides.

August 26, 1959

John Restivo  
Address: John Restivo

198 Palisade Ave. Cliffside Pt. N.Y.  
Address:

Sworn to before me  
this 26 date of  
August 1959.

Commission Expires March 30, 1960

Agnes M. Costello  
NOTARY

Joe Mulholland (mgr)

WILHELM M. CONKLIN  
Notary Public, State of New York  
No. 41-5760390  
Qualified in Queens County  
Cert. filed with New York County Clerk  
Commission Expires March 30, 1960