

Public statement to my dismissal at the bird's eye jazz club

As many friends of the bird's eye jazz club and of mine have heard little to nothing about my sacking by the board of the supporting association Jazz Live Basel, but are actually interested in this topic, and as the information spread by the board and the reports so far in the press are misleading, it is my concern to give my point of view about what happened and its connections.

This mail should give transparency and enlightenment and should reach ideally as many of interested people as possible, and can be forwarded at will. Comments, critics etc. are specifically welcome. I am happy to answer any questions to the best of my knowledge and belief.

Stephan Kurmann +41 79 778 7245
mail@stephankurmann.com
<https://www.stephankurmann.com>

“Search for truth and beauty”, Bill Evans, pianoplayer

Essentially, there are the following incorrect perceptions about the sudden drop out of Stephan Kurmann as the Artistic Director of the bird's eye:

- At least for a certain time, the most spread misconception was, the corona turbulences have cost his head, together with the previous president of the supporting association and still head of operations at the club location and main financier Beatrice Oeri (see article Basellandschaftliche Zeitung February 2022).
- Kurmann must have committed something serious. There have been rumours of all kinds: some talk of “abuse of competence” (in unknown way), up to doubts about Kurmann's sanity.
- There is a friendly solution in place thanks to a generous financial offer of the supporting association to Kurmann, and he

has left in good terms and enjoys now a comfortable pension. To the outside, the club tries to pass this story, also that Kurmann still holds some functions (see letter from Beatrice Oeri to the members in February 2022 and the article in the ProgrammZeitung in June 2022). Indeed, he has currently still regular appearances on stage with different bands , but only because these have been booked before his termination.

The most important about the current situation:

There is no such friendly agreement or understanding in place between the board of the supporting association together with the manager of the club and donator Beatrice Oeri on the one hand and Kurmann on the other. In the meantime, the proposals of each side to find a common new solution have not been accepted by the other party, and vice versa.

There has never been an explication of reasons for the dismissal and there have not been any confrontation or discussion with Kurmann previously. In the communication by the association, it was written about “different opinions on the performance of the tasks since autumn 2021”, without actually mentioning them.

Any dialogue was denied by Beatrice Oeri and the board since the totally surprising gardening leave in November 2021 with the following termination of contract on 11 February 2022 per 30 April 2023. At the same time, all employees of the association and club were told not to speak about anything in relation to Kurmann as a person or about his dismissal.

Mid June, Kurmann has formally appealed to the dismissal for being abusive, also demanding that the association shall revoke the unlawful registration of the name and visual brand of the «the bird’s eye jazz club» at the federal trademark register by the board in January 2022, since only Kurmann is the legal author and owner. He has advised the association about possible legal action and also in case that the association does not share transparency with regards to

the circumstances of the dismissal, as there are assumptions in public that are damaging Kurmann's reputation due to missing information.

Currently, there is silence. Should there not finally come an agreement, then Kurmann will have to sue to thereby obtain an arbitration meeting, ordered by the court.

About what happened

Whatever has been planned by the board, Kurmann could and must have been informed and included. He has sought the dialogue again and again, both with the board and the previously closely trusted management partner Beatrice Oeri. Like them, also other involved (directly or indirectly salary dependant from Beatrice Oeri, or her foundations, respectively) have consequently declined contact. Kurmann has never contacted the employees of the club, in consideration about their own employment.

The confused corona situation with its enormous challenges for everybody has been used by the board of the association cleverly to unsettle Kurmann and to convince him about the reason of a gardening leave for four months in the interest of everybody in November 2021. He has fallen into this trap and has, at first (like probably some other involved ones) not perceived, that a complete elimination of his position in the club has been intended. Maybe these plans have become concrete only in the course of action. Discussions have been promised for the end of March, but in February 2022, Kurmann has already received notice of dismissal. Beatrice Oeri has resigned as president already at the beginning of 2022 and the relatively new members of the board, Klaus Hubmann and Sarah Chaksad who are both close to Beatrice Oeri, have become co-presidents ad interim with full power of decision. The dealing with Kurmann has turned into an extremely disrespectful and in an authoritarian way by the co-presidents.

The absence of concrete accusations or critics towards Kurmann and the immediately imposed ban on speaking within the crew of the club about the situation both internally and externally made it impossible for any confrontation with the possibility for defence and to take influence on changes. The inclusion of Kurmann to solve the (non defined) problems has been initially promised towards the team, but the complete exclusion has been implemented very soon. Kurmann has been sentenced without any process, found guilty with extremely hard consequences, which generally raised the impression that he actually indeed must have committed something serious. For some, Kurmann's views are reason enough, however, there is no legal basis for a cancellation.

The income as artistic director has been a very important retirement provision for Kurmann (born 1958) and possibility to further support his family, beside his concert activity. He has never planned a 100 % retirement with complete abandonment of all his functions, and nobody had expected that either. An unexpected and difficult financial situation after retirement has occurred for him, through the surprising cancellation of contract.

Beatrice Oeri (born 1954) covers the major part of the deficit of the club via her foundation «Levedo», a minor part comes through the subsidies of the Cantons of Basel-Stadt and Basel-Land and of further private donators. She has been president of the club since 1998 and has stepped down in February 2022, but kept the position as managing director of the bar and club.

This position is very important and valuable to her, as her almost daily presence at the club shows. The previous management of the club, consisting of Stephan Kurmann, artistic director, René Pilloud, commercial director, Beatrice Oeri, club director has been dissolved with the dismissal of Kurmann in February and also René Pilloud has received notice of dismissal shortly after. The management was replaced in a drastic manner by the previously rather passive board of the association, through the former co-presidents ad interim Sarah

Chaksad and Klaus Hubmann, with Beatrice Oeri as donator and director of the club at the top.

Even though Beatrice Oeri does not have a formal role at the association anymore, the club remains financially dependent on her foundation. Corresponding to this, neither the board nor the club take any important decision without her agreement. The collaboration between Kurmann and her has been very consensual and in harmony over many years, at the same eye level and has brought the bird's eye to where it is now.

The non-implementation of the covid certificate regime was clearly welcome by Kurmann, however, it was not in his competence and was solely Beatrice Oeri's decision, and Kurmann has not influenced her, although many assumed so. The longlasting board members Dieter Häner, Rolf Niederhauser and Max Husi, as well as the previous general manager René Pilloud, who were against the non-implementation of the certificate duty and also expressed that towards Beatrice Oeri, they all are no longer part of the club. But with Kurmann, it was about something different. As internationally renowned musician and founder of the club, he has always had a special standing. For the musicians and a large part of the audience, he still embodies the bird's eye jazz club. Corresponding to his position and experience, he is an authority and was not so easily controlled by Beatrice Oeri. His initially very broad range of tasks and responsibilities has been reduced over the years to relieve him and some individual functions have been taken over partially or fully by others, or additional employees. (License holder for gastronomy, commercial management and many more). The explicit goal of the board was also to thereby reduce the personal dependence. Since 2014, Lukas Wyss has been introduced as team member in the area of artistic directing and programming. Initially with a part time job, he is currently alone in this position, however he does not have the autonomy as it had been given to Kurmann.

About my personal situation and mood:

I would like to continue to play on the bird's eye stage, as long as I fulfil the respective requirements. To create a possibility to play for the Basel jazz scene and of course, also for myself, was one of the essential reasons why I founded the bird's eye and the association together with many friends and music lovers in 1994. I invested my own money and all my time and energy in this project, earned almost nothing during the first five years and very little in the following four years. As a recognition for that and for what I did in the following years for the club and the music scene in general, a certain number of concert dates should be granted to me on a yearly basis, as well as an ongoing or lump sum as compensation and security, in exchange for the legal rights of the name and logo «the bird's eye jazz club», and for the club's worldwide network and reputation, which I have built up. This form of appreciation has been mentioned in the letter from Beatrice Oeri to the association members in February 2022 and in the Programm Zeitung in July to the public. Namely, that I would take over further tasks for the club within the frame of a mandate contract and I also should remain on stage. Such a mandate agreement, however, has never been offered to me, and a guaranteed concession of a minimal number of concert dates for the future has been denied.

If the newly installed board does not respond to my suggestions, and does not keep its promises and want to exclude me completely without any concession, then the option remains that they give a new name to the jazz club at Kohlenberg 20, and I can continue to use the brand in words and image of «the bird's eye jazz club», which I own, for my professional and musical purposes.

This corresponds also with the agreement, which was arranged between the board at that time and me, when back in 2002 the club was transferred from being administered in my individual company to the administration of the association, and I became an

administrative employee of the club. To my protection against exactly what is happening now, it was agreed that the right on the brand and the right on the rental contract of the location would remain with me in case of separation. As already mentioned, the name and logo have been registered by the board in January 2022 at the trade mark registration office (that is, after the gardening leave and before the termination). Like everything else, this has also been done behind my back without any discussion or agreement.

I am not interested in the rental contract due to financial reasons, but if the club continues to be labelled with the name «the bird's eye», then there has to be found a solution, which must be acceptable also for me.

I am thankful for those many previous harmonic and extremely productive years of collaboration with the team, with the previous board members and with Beatrice Oeri. Independently of this, I don't agree at all with the sudden and complete exclusion of myself and still hope, that there will finally be open and respectful talks and we will find an amicable solution.

August 2022, Stephan Kurmann