



Metropolitan Transportation Authority

State of New York

December 10, 2019

Mr. Michael Kearns
County Clerk
Erie County Clerk's Office
92 Franklin Street
Buffalo, New York 14202

Dear Mr. Kearns:

I have been informed that your office is currently using the MTA's Federally registered trademark "If you see something, say something" in a campaign encouraging citizens to call U.S. Immigration & Customs Enforcement (ICE) if they see someone they think could be an undocumented immigrant applying for a NYS driver's license when the "Green Light Law" takes effect this Saturday. Below are links to examples of your current uses:

DMV booth sign: <https://twitter.com/RyanWhalenCT/status/1202634349113417735/photo/1>

News Story: <https://spectrumlocalnews.com/nys/central-ny/news/2019/12/05/erie-county-clerk-to-post-ice-tip-line-flyers-at-auto-bureaus>

Your above use of MTA's registered trademark "If you See Something Say Something" is not authorized by MTA. This is to demand that you immediately cease and desist your unauthorized use of this trademark and, by 5 PM today, (December 10, 2019) confirm to me by reply email the actions you are taking to stop the unauthorized use of MTA's trademark.

Please note that, if you should request authorization for the above use, the request would be denied. MTA registered this trademark in 2010 specifically to limit its use to communicating messages about counterterrorism programs. Your unauthorized use of the mark is in support of encouraging people to report suspected undocumented immigrants; this is both abhorrent and unrelated to counterterrorism.

Please also communicate the above message to any other county clerk or other public official or employee who has signaled that they will or may use "If you see something, say something" in the same or comparable way (the article cited above specifically mentions Niagara County Clerk Joseph Jastrzemski; I suspect there are others).

Please reply no later than 5:00 p.m. today to acknowledge receipt of this notice and your intention to comply with this demand.

We anticipate and appreciate your understanding and cooperation.

Sincerely,

A handwritten signature in blue ink, reading "Mark R. Heavey".

Mark R. Heavey
Director
Marketing & Advertising

cc: L. Freundlich, Esq., M. Pasquini, W. Schwartz

The agencies of the MTA

MTA New York City Transit
MTA Long Island Rail Road

MTA Metro-North Railroad
MTA Bridges and Tunnels

MTA Capital Construction
MTA Bus Company