



The New York City  
Department of  
Consumer Affairs  
42 Broadway  
New York, NY  
10004-1716

Jonathan Mintz  
Commissioner

[REDACTED]  
Staff Counsel

February 1, 2008

[REDACTED]

[REDACTED]

Re: Not-for-Profit Does Not Require Auctioneer's License  
When Items Are Donated and Auctioneer Is Not Paid

Dear Mr. [REDACTED]

I am writing in response to your inquiry concerning whether your company, a non-profit organization ("NPO"), needs to obtain a license(s) in order to hold an auction. In our conversation, you informed me that the auctioneer will not be compensated for his or her services. You also informed me that all of the proceeds of the auction will be donated to the NPO.

According to section 20-278 of the New York City Administrative Code, any person who engages in the business of an auctioneer must be licensed. Historically, this section has applied to any person selling goods at a public auction for compensation, and on behalf of a profit-making entity. As long as the entire proceeds of the auction are donated to charity, and not for compensation or profit, the NPO/charity is not required to obtain an auctioneer license, or an auction house license.

Additionally, as long as the individual who conducts the auction is not paid directly or indirectly for his or her services, and the entire proceeds of the sale are donated to charity, he or she is not required to obtain an auctioneer license.

Please feel free to contact the Department if you have any additional questions.

Very truly yours,  
[REDACTED]