



Jonathan Mintz
Commissioner

Staff Attorney

42 Broadway
9th Floor
New York, NY 10004

nyc.gov/consumers

August 19, 2013

BY REGULAR MAIL

RE: Website Solicitations for Purchase and Sale of Second-hand Articles

Dear [REDACTED]:

This is in response to your inquiry in which you ask whether Tourneau, which holds three second-hand dealer licenses for locations in New York City, may use its website to buy used watches from consumers for cash or as part of the purchase price for a Tourneau watch. The answer is that Tourneau may use its website to solicit the purchase of second-hand watches. However, the actual purchase must take place at Tourneau's licensed premises.

A second-hand dealer duly licensed by the NYC Department of Consumer Affairs ("the Department") may generally advertise its services through any medium, including through online solicitations, so long as it complies with the City's laws and rules. However, Section 20-268(a) of the NYC Administrative Code ("Code") prohibits "any dealer in second-hand articles to carry on his or her business at any place other than the one designated in such license."

Provisions governing the conduct of second-hand dealers necessitate that the purchase and sale of second-hand items occur at the location designated in the license. For example, Section 2-101 of Title 6 of the Rules of the City of New York ("Rules") requires second-hand dealers to "verify the identity of every person from whom he purchases an article, and to make and keep a written record of the nature of the evidence submitted by such person to prove his identity," and "to require that every person from whom he purchases an article, sign his name in the presence of the second-hand dealer, compare the signature with the signature on the identifying document and retain on his premises the person's signature together with the number and description of the identifying document." This provision presumes that the second-hand dealer actually interacts with the potential consumer. Thus, in order to fulfill the requirements of this provision, and to comply with all other laws relevant to second-hand



dealers, second-hand dealers must purchase and sell second-hand items in person, on their licensed premises.

Visit the Department's website at nyc.gov/BusinessToolbox to reference laws and rules relevant to second-hand dealers.

Thank you for your inquiry.

Sincerely,

A black rectangular redaction box covering the signature of the staff attorney.

Staff Attorney