



Jonathan Mintz  
Commissioner

[REDACTED]  
Deputy Director  
[REDACTED]

42 Broadway  
9th Floor  
New York, NY 10004  
nyc.gov/consumers

July 20, 2011

VIA EMAIL: [REDACTED]

Mr. [REDACTED]

RE: Talent/Booking Agent Employment Licensing

Dear Mr. [REDACTED]

This letter responds to your inquiry regarding whether talent and booking agents must be licensed by the Department of Consumer Affairs (“DCA”). In particular, your inquiry relates to whether [REDACTED]’s business of procuring contracts for professional singers with companies such as the Metropolitan Opera or the New York Philharmonic must be licensed. Based upon the information you provided, [REDACTED] [REDACTED] is not exempt from the requirement to obtain an employment agency license.

Section 172 of the New York General Business Law (“GBL”) requires a business that operates an employment agency in New York City to obtain a license from the Department of Consumer Affairs. That requirement applies to a business operating as a “theatrical employment agency.” Section 171(8) of the GBL defines a “theatrical employment agency” to include “any person ... who procures or attempts to procure employment or engagements for circus, vaudeville, the variety field, the legitimate theater, motion pictures, radio, television, phonograph recordings, transcriptions, opera, concert, ballet, modeling or other entertainments or exhibitions or performances[.]” Section 171(8) further excludes from the definition of theatrical employment agency “the business of managing such entertainments, exhibitions or performances, or the artists or attractions constituting the same, where such business only incidentally involves the seeking of employment therefore.”

A business that procures theatrical employment for its client is exempt from the licensing requirement only when the procurement of employment is “incidental” to the overall management of the client. Based on the information you provided, and upon a review of the business’s web site describing it as representing “many of the world’s finest classical singers, conductors and stage directors,” procurement of employment appears to be the primary activity, and not incidental to its operations. Under these circumstances, [REDACTED] is not exempt from the requirement of GBL § 172 to obtain an employment agency license.

Sincerely,

[REDACTED]