



Jonathan Mintz
Commissioner

42 Broadway
8th Floor
New York, NY 10004



nyc.gov/consumers

June 23, 2011

[Redacted]
New York, NY 10032

Re: Confirmation as a Theatrical Personal Manager

Dear Mr. [Redacted]

This letter responds to your inquiry whether [Redacted] is exempt from the requirement to obtain an employment agency license because it provides services to its clients as a theatrical personal manager. According to your letter to the Department of Consumer Affairs, the primary activity of your business is to seek film and television roles for its clients for which it charges the clients a fee. Based upon the information you provided, [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 mean “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) 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 therefor.”

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. In the description of the services provided by [Redacted] procurement of employment for your clients appears to be the primary activity and not incidental to their personal management. Under those circumstances, [Redacted] is not exempt from the requirement of GBL § 172 to obtain an employment agency license.

Sincerely,

