



Jonathan Mintz
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Re: Auctioneers

Dear Mr. [REDACTED]

This letter responds to your written and telephonic inquiry concerning the requirements for conducting an auction of residential real estate in New York City. Your inquiry described a venture in which a company licensed by the State of Florida as an auction marketing company will carry out the marketing of real estate auctions in New York City that will be conducted by an auctioneer and real estate brokerage. You asked what licenses are required by (a) the auctioneer, (b) the premises where the auction will occur, and (c) the company marketing the auctions.

A. You asked three questions about the auctioneer:

1. Does the auctioneer need a New York Auctioneer's License and is there reciprocity with the State of Florida?

Section 20-278 of Title 20, Chapter 2 of the New York City Administrative Code provides that, "It shall be unlawful for any person to engage in the business of auctioneer without a license therefor." Accordingly, the person conducting the auction in New York City must have an Auctioneer's license issued by the New York City Department of Consumer Affairs. The law does not provide for reciprocity with the State of Florida or any other jurisdiction that licenses auctioneers.

2. Does the auctioneer need to be an employee of the company or may he be an independent contractor?

The Administrative Code does not require that the auctioneer conducting the auction be an employee of the company.

3. Does the New York licensed auctioneer also need a NY real estate broker license?

The Department of Consumer Affairs does not license real estate brokers. The New York State Department of State, which licenses real estate brokers, may be able to answer whether an auctioneer of residential real estate in New York City requires a real estate broker's license.

B. You asked whether the premises where the auction will be held must obtain an Auction House license of its own.

The Administrative Code does not require the premises where the auction is conducted to be licensed. Rather, the person or firm conducting the auction must be licensed.

C. You asked whether the company marketing the auction must obtain an auctioneer's license. In connection with this question you represented that:

- the company's name will not appear in the advertising for the properties to be auctioned;
- the company's corporate name and/or trade name will not include the word "auction" in any way;
- the company will not be conducting the auction in any manner but instead will be helping to market the proposed auction by, among other means, developing the advertising for the auction.

Section 20-281 of the Administrative Code provides that "It shall be unlawful for any person not licensed as an auctioneer to represent or circulate or place before the public any announcement, or to insert or cause to be inserted in any city, business or telephone directory, any notice that he or she is conducting the business of auctioneering." If the company engaged in the marketing venture conducts business in the manner you described, it does not require an auctioneer's license issued by the Department of Consumer Affairs.

Very truly yours,



A black rectangular redaction box covers the name of the sender. A handwritten signature in blue ink extends from the right side of the redaction box across the page.