



Julie Menin
Commissioner

[Redacted]
Staff Attorney
A [Redacted] v

42 Broadway
9th Floor
New York, NY 10004

[Redacted]

nyc.gov/consumers

November 5, 2014

[Redacted]

VIA ELECTRONIC MAIL

RE: **Whether a music producer soliciting bids for the sale of his own work must obtain an auctioneer’s license**

Dear Mr. [Redacted]:

I am writing in response to your inquiry to the Department of Consumer Affairs (DCA) concerning whether your client must obtain a DCA auctioneer license. In your inquiry and subsequent correspondence, you have stated that your client is a music producer who wishes to “hold an in-person live bidding process” for the sale of his musical works to artists and their managers or label representatives. Bidders would be publicly invited via social media as well as through your client’s connections in the music industry. You also stated that only your client and those bidding on his works will be involved in the bidding process, with no third-party agent or representative of your client soliciting or taking bids.

Section 20-278 of the New York City Administrative Code (“the Code”) prohibits “engag[ing] in the business of auctioneer” without a license. The Code does not define the term “auctioneer.” In the past, DCA has taken the position that an individual who is compensated for his or her services conducting an auction must be licensed, whereas an individual donating his or her time to conduct a charity auction need not obtain a license. This is consistent with the traditional understanding of an auctioneer as a compensated agent in the sale of the property of others. Under the circumstances you describe, with your client soliciting bids only for his own work and neither acting nor being compensated as an agent for others, he is not engaged in the “business of auctioneer” and is not required to obtain a license.

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

Sincerely,

[Redacted]
Staff Attorney