Department of Consumer Affairs

January 15, 2015

[redacted]

BY E-MAIL

[redacted]

RE: Question Regarding Catering Establishment and Cabaret Licenses

Dear Mr. [redacted]

This letter is in response to your two inquiries concerning: 1) whether a hotel/restaurant which has a room that it occasionally uses for private events where there is dancing requires a catering establishment license and 2) whether a hotel/restaurant which has an event to which tickets are sold in advance and not at the door at the time of the event is deemed a private event.

Section 20-359(4) of the NYC Administrative Code ("Code") defines a "catering establishment" as "*any room*, place or space in the city, which is *used*, leased or hired out in the business of serving food or beverages for a particular function, occasion or event, to which the public is not invited or admitted and wherein music or entertainment is permitted" (emphasis added). Because the room will be used for private events where food and drink will be served and entertainment is permitted, a catering establishment license is required. The frequency with which the room is used for such purpose is not the controlling factor.

As to your second inquiry, the mere selling of tickets in advance to an event does not make the event private, as presumably anyone who pays the requisite fee can gain admittance to the event. Hence, the event is akin to any concert with a limited seating capacity whereby tickets are sold to the public in advance. The fact that admission is denied to those without a ticket and that no tickets can be purchased at the event does not make the event private.

Thank you for your inquiry.

Sincerely,

[redacted]