



**Department of
Consumer Affairs**

Jonathan Mintz
Commissioner

Staff Counsel

42 Broadway
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New York, NY 10004

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March 15, 2011

[Redacted]
[Redacted]
[Redacted]
[Redacted]

RE: Conducting Auctions at Various Premises Located in NYC

Dear Ms. [Redacted]:

The New York City Department of Consumer Affairs (the "Department" or "DCA") issues this letter in response to your recent inquiry. You asked "I am licensed by the NYC DCA as an auctioneer ... [w]hat additional license, if any, must I obtain to conduct auctions in private homes, galleries, warehouses and other buildings or facilities located in NYC[,] the owners or lessees of which are not licensed by the [Department] as auction businesses?" As explained below, no additional Department license is required based on the facts described in your inquiry.

NYC Administrative Code ("Code") section 20-278 provides that "[i]t shall be unlawful for any person¹ to engage in the business of auctioneer without a license" In addition, an Auction House (Premises) license is required for any "business that owns or rents a space where a public auction occurs."² The Department generally refers to an "Auction House" as a term of art for distinguishing a licensed auctioneer business entity from an individual who is licensed as an auctioneer, but not in order to convey the idea that the particular auction business is conducted from a specifically identified location.

Based upon the facts described in your inquiry, and assuming that you do not deal in second-hand merchandise,³ no additional Department license would be required by you. However, to the extent that any of the locations that you list are in fact premises where an auction business conducts public auctions or where a fee is charged for the use of the location in order to conduct a public auction, the owner of that premises or business would be required to obtain an Auctioneer or an Auction House (Premises) license.

Finally, the law places a restriction on auctions conducted in the street or a public venue. The Code restricts an auctioneer (or her agent) from selling at a public auction "[a]ny goods, wares, merchandise or other things in any street or public place . . . unless he or she first shall obtain the consent or permission, in writing, of the occupant of the lot or building before which such articles or any part thereof shall be placed or exposed for sale." Code § 20-285.

Additional information about license requirements and a compilation of licensing laws is available on DCA's website at nyc.gov/consumers.

Sincerely,
[Redacted Signature]
[Redacted Name]

¹ "Person" is defined by the Code as "a natural person or an organization." Code § 20-102(e).
² See www.nyc.gov/html/dca/html/licenses/128.shtml (last visited Feb. 22, 2011).
³ A separate license is required for Dealers in Second-Hand Articles. See Code §§ 20-264--*et seq.*