



Julie Menin
Commissioner

[Redacted]
Assistant General Counsel
[Redacted]

42 Broadway
8th Floor
New York, NY 10004

[Redacted]
nyc.gov/consumers

October 23, 2014

BY EMAIL AND FIRST CLASS MAIL

[Redacted]

RE: Employer for Musicians

Dear Mr. [Redacted]:

This letter is in response to your inquiry in which you ask whether a business that contracts with third parties to place musicians in single engagements must be licensed as an employment agency. You state that the business employs the musicians, pays them directly through a payroll service, and files W-2 forms on their behalf. Based on the information you provided, the answer is no.

A business that acts as the employer of its workers is not included in the definition of employment agencies provided in Article 11 of the NYS General Business Law and which must be licensed by the NYC Department of Consumer Affairs (“Department”). Because the business you describe is the employer of its workers, the business is not required to be licensed by the Department.

Thank you for your inquiry.

Sincerely,

[Redacted Signature]

[Redacted]
Assistant General Counsel