



Jonathan Mintz
Commissioner

November 15, 2013

BY E-MAIL

42 Broadway
8th Floor
New York, NY 10004

nyc.gov/consumers

RE: Employment Agencies Operating on Shared Premises

Dear [REDACTED]

This is in response to your inquiry in which you ask whether a talent agency may operate in a shared office facility containing a common reception area, individual private offices with walls and doors, and cubicles and desks in an open area. The answer to your question is yes, but only if the agency also complies with all requirements described below.

Article 11 of the New York General Business Law ("GBL") Section 187(8) prohibits employment agencies, such as talent agencies, from engaging in business other than operating an employment agency on its premises. Title Six of the Rules of the City of New York ("6 RCNY") Section 5-245(a), however, permits an employment agency to "share premises, provided that the sharing is with an unrelated entity," including an unrelated employment agency. 6 RCNY Section 5-245(a) defines "unrelated" to mean:

[N]o exchange of the proceeds or sharing of profits in any form takes place between the agency and the [unrelated] entity, and that they do not have any officers, directors, partners, shareholders, principals, managers, executives, administrators, salespersons, or job-placement counselors in common.

6 RCNY Section 5-245(a) also prohibits an employment agency from "directly or indirectly suggest[ing] to an applicant that he or she purchase the services or products of the entity sharing the premises." Thus, while a talent agency may operate and share premises with an unrelated entity, the talent agency may not engage in any business other than operating an employment agency and may not suggest directly or indirectly to an applicant that he or she purchase the product of an unrelated entity sharing the same premises.

You also state that your business incorporated in another state. As you correctly describe, you must obtain a Certificate of Doing Business in Good Standing and submit this certificate with an application for the Authority to Conduct Business



in New York to the New York Department of State. To confirm the version of the Certificate of Doing Business that you must provide, visit the New York State Department of State's website at <http://www.dos.ny.gov> for contact and other information.

You also ask whether you must pay an additional fee if you subsequently change your premises location after you have obtained an Employment Agency License. In addition to submitting a change of address form to the DCA, you must also pay a fee of \$15.00. Additional requirements also apply to a change of address. Visit the Department's website at nyc.gov/BusinessToolbox to reference licensing requirements and laws and rules relevant to employment agencies.

Thank you for your inquiry.

Sincerely,

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