



Jonathan Mintz
Commissioner

[REDACTED]
Staff Attorney

42 Broadway
9th Floor
New York, NY 10004

[REDACTED]
nyc.gov/consumers

February 27, 2013

BY EMAIL

[REDACTED]
(email response to [REDACTED])

RE: Silent Auctions

Dear Ms. [REDACTED]

This is in response to your inquiry seeking to clarify whether a license from the Department of Consumer Affairs ("the Department") is required to run a silent auction. The short answer is yes.

The New York City Administrative Code Section 20-278 requires "any person...engage[d] in the business of auctioneer to be licensed." Silent auctions and the auctioneers who conduct them are not exempt from the licensing requirement.

For your reference, attached is a letter the Department issued addressing whether a not-for-profit entity requires an auctioneer's license.

Thank you for your inquiry.

Sincerely,

[REDACTED]

[REDACTED]
Staff Attorney



The New York City
Department of
Consumer Affairs
42 Broadway
New York, NY
10004-1716

Jonathan Mintz
Commissioner

[REDACTED]
Staff Counsel

February 1, 2008

[REDACTED]

[REDACTED]

Re: Not-for-Profit Does Not Require Auctioneer's License
When Items Are Donated and Auctioneer Is Not Paid

Dear Mr. [REDACTED]

I am writing in response to your inquiry concerning whether your company, a non-profit organization ("NPO"), needs to obtain a license(s) in order to hold an auction. In our conversation, you informed me that the auctioneer will not be compensated for his or her services. You also informed me that all of the proceeds of the auction will be donated to the NPO.

According to section 20-278 of the New York City Administrative Code, any person who engages in the business of an auctioneer must be licensed. Historically, this section has applied to any person selling goods at a public auction for compensation, and on behalf of a profit-making entity. As long as the entire proceeds of the auction are donated to charity, and not for compensation or profit, the NPO/charity is not required to obtain an auctioneer license, or an auction house license.

Additionally, as long as the individual who conducts the auction is not paid directly or indirectly for his or her services, and the entire proceeds of the sale are donated to charity, he or she is not required to obtain an auctioneer license.

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

Very truly yours,
[REDACTED]