



Jonathan Mintz
Commissioner

Asst. Commissioner
Legal Services

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November 21, 2008

Re: Art Gallery Does Not Require a Storage Warehouse License to Store Art on Consignment or Purchased Art, Waiting to Be Picked Up

Dear Mr. [REDACTED]

This letter replies to your request of November 14, 2008 for a legal interpretation regarding whether your client, an art gallery which stores consignment or purchased art work, needs a license for such storage. Your request explained that, to encourage prompt pick-up and return of stored art work, your client contemplates imposing a charge if the article is not picked up within a specified time period.

As you are aware, your client will require an Auction House license from the Department of Consumer Affairs ("DCA") if it will be conducting auctions. Your client will not need a separate license from DCA in order to store the consigned or purchased art. Title 20 of the New York City Administrative Code, Chapter 2, Subchapter 28 requires a person who stores household goods for compensation to obtain a storage warehouse license from DCA except when the "goods . . . are stored by or on behalf of a merchant for resale or other use in the course of a merchant's business." See Administrative Code of the City of New York Section 20-475 (b). An art gallery holding articles on consignment or goods purchased by a consumer but not yet picked up would fall within that exception.

Very truly yours,

[REDACTED SIGNATURE]
Assistant Commissioner for
Legal Services Division