§ 23.23. Prohibited activities of ticket distributors. 1. The term "ticket distributor" shall mean all owners, operators or operating lessees whether an individual, firm, company, partnership, corporation, trust or association who control the operation of a place of entertainment, as that term is defined in this article, including the allocation or distribution of tickets to any event, as that term is defined in this article, and all controlling partners, and controlling stockholders and controlling officers of the aforesaid; and all agents, representatives, employees and licensees of any of the aforementioned, including without limitation box office treasurers and assistant treasurers of places of entertainment, who for any period of time have control of the allocation or distribution by designation or authority of the aforementioned, of tickets in connection with the showing of events, but shall not include subordinate personnel performing non-discretionary or ministerial functions in connection with the allocation or distribution of tickets for events.

2. A "theatrical production" as used in this section shall mean those live-staged dramatic productions, dramatic-musical productions and concerts as defined in section 23.03 of this chapter which hereafter are shown to the public in a place of entertainment.

3. A "sporting event" as used in this section shall mean those contests, games, or other events involving athletic or physical skills which are shown to the public in a place of entertainment and whose participants are paid for the exhibition of their athletic or physical skills, but not exhibitions under the jurisdiction of the state racing or state harness racing commissions.

4. It shall be illegal and prohibited for any owner, lessee or operator or manager or treasurer or assistant treasurer or any other ticket distributor of a place of entertainment, as defined in this article, to sell tickets to any event to be held in this state directly or indirectly, through agents, employees or otherwise, unless and until there is filed with the department of law of the state of New York by the ticket distributor, directly or indirectly, controlling the distribution of tickets a registration known as a "ticket distributor

registration" on which shall be contained the names, addresses and connection with the distribution of tickets of all ticket distributors, as defined herein, on forms issued by the attorney general of the state of New York, as applicable to such registration and amendments thereto. It shall be illegal for any ticket distributor to sell tickets, or control the sale thereof, unless named on such registration. The attorney general may issue an order cancelling or suspending the name of a particular individual or individuals from such registration or issue an order barring such person from selling any tickets to any event to be held in this state as aforesaid whether or not the person's name appears on any particular registration after a hearing, conducted by him or a designated officer, when, based upon substantial evidence on the entire record, it is determined that: such ticket distributor or any person who resells tickets to any event to be held in this state subsequent to October first, nineteen hundred sixty-five, directly or indirectly, has willfully aided, abetted or participated in exacting, demanding, accepting or receiving, directly or indirectly, any premium or price in excess of the regular or established price or charge, plus lawful taxes, as printed upon the face of each ticket or other evidence of the right of entry thereto, for tickets to any event to be held in this state from members of the public or ticket brokers or agents, whether designated as price, gratuity or otherwise; or whenever such ticket distributor has been convicted of any crime relating to the sale of tickets to any event, or violations of this article; or whenever such ticket distributor shall have engaged in any practice in connection with the sale of tickets to any event which operates as a fraud upon the public or amounts to financial misconduct, or the exacting of exorbitant rates or other similar abuses; or whenever any ticket distributor has willfully violated any provision of this article or any rule or regulation issued thereunder. The attorney general may also issue rules and regulations relating to the maintenance of box office records of places of entertainment and with respect to the filing and content of ticket distributor registrations, including exemptions relating to educational institutions which the attorney general may determine to be in the public interest.

5. All ticket distributors as defined in this section shall keep or

cause to be kept books, records, memoranda or correspondence containing the following information in connection with the sale or distribution of tickets:

(a) The number of tickets sold, allocated or distributed to ticket brokers licensed pursuant to article twenty-five of this chapter or other known brokers, specifying the price and location of each ticket sold, allocated or distributed to each broker and the date and time of performance of each such ticket.

(b) The number of tickets among those allocated and distributed to brokers by ticket distributors, returned by each broker to ticket distributors specifying the price of each such returned ticket and the date and time of performance of each such ticket.

(c) The number of tickets sold or distributed as house seats with recipients thereof; or to duly licensed theatre party agents representing charitable or eleemosynary organizations, specifying the price and location of each ticket sold, allocated or distributed and the date and time of performance of each such ticket.

(d) All mail order correspondence, including disposition thereof.

All records required to be kept pursuant to this section shall be preserved for a period of not less than one year subsequent to the date of performance to which such record relates.

6. Any person aggrieved by an order of the attorney general hereunder may obtain a review of such order in the appellate division of the supreme court pursuant to article seventy-eight of the civil practice law and rules by filing in such court within ten days after the entry of such order, a notice of petition, petition and suitable affidavits as provided in subdivision (c) of section seven thousand eight hundred four of the civil practice law and rules, praying that the order of the attorney general be modified or set aside in whole or in part upon any of the grounds set forth in section seven thousand eight hundred three of the civil practice law and rules.

7. If any provision of this section is in conflict with any provision of any law of the state of New York or any municipality or subdivision thereof or any rule or regulation thereof in force on October first,

nineteen hundred sixty-five, the provisions of this section shall prevail.