

July 30, 2004

Alderman James N. Witkowiak
200 East Wells, Room 205

RE: Resale of Tickets to Entertainment or Sporting Events,
Common Council File Number 040411

Dear Alderman Witkowiak:

By letter dated July 22, 2004, you asked this office to clarify whether individuals who resell tickets to entertainment or sporting events at or below face value must have a direct seller's license.

As currently written, it appears that an individual who is reselling tickets to entertainment or sporting events at or below face value would be required to hold a direct seller's license under MCO § 95-1, even if he or she is attempting to resell only one or two tickets on a one-time basis. However, we believe this requirement may be in conflict with the spirit of the newly enacted Wis. Stat. § 66.0410, and may, as a matter of policy, go beyond what you intend to be covered by the direct sellers ordinance. Therefore, you may wish to amend MCO § 95-1 to create an exception for the resale of tickets at or below face value. We have attached a substitute ordinance which would amend both MCO §§ 95-1 and 105-56.

We note that if adopted, an individual reselling tickets at or below face value would still be subject to the prohibition on sales from a roadway median or safety island as provided in MCO § 95-1-2.5. This amendment would otherwise allow any individual who was merely reselling tickets to entertainment or sporting events at or below face value to do so without the necessity of obtaining a direct seller's license.

Very truly yours,

Utilities and Licenses Committee
July 30, 2004
Page 2

GRANT F. LANGLEY
City Attorney

BRUCE D. SCHRIMPF
Assistant City Attorney

KATHRYN M. ZALEWSKI
Assistant City Attorney

KMZ/kmz
c: Ronald Leonhardt
1033-2004-2139:83379