



## Fictitious Business Name (FBN)

Business and Professions Code §17900

### What is a Fictitious Business Name (FBN)?



The purpose of an FBN is to inform the public of the identities of persons doing business for profit under a fictitious name. This is also known as a “Doing Business As” (DBA).

A fictitious name is one that does not include the surname (last name) of all the individuals who own the business, or suggests the existence of additional owners, such as the words “company” or “association”.

In the case of a corporation, a fictitious name is any name other than the corporate name stated in its articles of incorporation. No fictitious business name may include the words “Corporation”, “Inc.”, “Incorporation”, or “Corp.”, unless it is a corporation registered with the Secretary of State.

The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law.

### Who Is Required To File?



Every person who regularly conducts business in this state for a profit under a fictitious name must file an FBN in the county of their principal place of business.

Corporations do not file unless doing business under a name other than the corporate name.

Non-profit corporations, associations or charitable organizations do not need to file.

### When Should I File?



An FBN Statement must be filed no later than forty (40) days from starting to conduct business.

## What Do I Need?



Please use the following checklist to ensure you have the needed items to file a Fictitious Business Name (FBN) with the County of Tuolumne County Clerk's office:

**FBN Statement**

This document may be provided by our office or found on our website [here](#).

**Identification (If filing in person)**

**Proof of Filed Zoning Affidavit**

If the business is located within the incorporated City of Sonora, the Zoning Affidavit must be filed with the Community Development Department located at 94 N Washington St, Sonora CA. The Zoning Affidavit may be provided by our office or found on our website at [here](#).

If the business is located outside the incorporated City of Sonora, the Zoning Affidavit must be filed with the Community Resources Agency (CRA) located at 48 West Yaney Street, Sonora CA (Francisco Building). The Zoning Affidavit may be provided by our office or found on our website [here](#).

**FBN Questionnaire**

This document may be provided by our office or found on our website [here](#).

**Check or Cash For Payment (Payable to "Tuolumne County Clerk")**

- \$26.00 filing fee (including Corp. or LLC)
- \$6.00 for each additional business name
- \$6.00 for each additional registrant

**Mandatory Commercial Recycling Flyer**

This document may be provided by our office or found on the website for the Tuolumne County Community Resources Agency [here](#).

**Home Business Summary of Planning Regulation (If a home business within the county)**

This document may be provided by our office or found on the website for the Tuolumne County Community Resources Agency [here](#).

**Copy of your Articles of Incorporation from the Secretary of State (If Corp. or LLC)**

## Where Do I File?



The Fictitious Business Name Statement must be filed with the County Clerk in the county of their principal place of business. Forms and instructions may be provided in person or found on our website [here](#).

### File in person:



2 South Green Street, Sonora, CA 95370, 2<sup>nd</sup> Floor, 8:00 am to 5:00 pm, Monday-Friday

### File by mail:



Tuolumne County Clerk, 2 South Green Street; Sonora, CA 95370

Please include a self-addressed stamped envelope with your application. A receipt of the transaction and your certified copy will be returned to you by mail.

NOTE: We cannot accept applications by email.

## How Much Does It Cost To File?



- \$26.00 filing fee (including Corp. or LLC)
- \$6.00 for each additional business name
- \$6.00 for each additional registrant

## What if I have had a change?



If you have had a change in your information (excluding your residence address) you must re-file your FBN within 40 days of when the change occurred. A change may include:

- Name of the business
- Street address of the business
- Name of the partners
- Method of doing business

2 South Green St.  
Sonora, CA 95370  
(209) 533-5573

## When Do I Need To Publish The FBN?



### If it is a new filing:

Your FBN filing must be published within 30 days of the County Clerk filing date.

### If renewing an FBN:

If there have been no changes since your last filing, and it is filed within 40 days of the FBN expiring, you do not need to publish your FBN renewal.

If you have had a change in your information (excluding your residence address) it is considered a “Renewal with Changes” and must be published.

If you are filing more than 40 days after the FBN has expired, you must publish your FBN.

### When and where to publish:

If publication is required, it must be published within 30 days of the County Clerk filing date. The newspaper must be adjudicated by the courts as one of general circulation within the county where you filed the FBN and where business is to be conducted. Publications must be run once a week for four consecutive weeks. There must be at least 5 days between each publication and all published within 28 days.

The only acceptable newspaper for publication in Tuolumne County is “The Union Democrat” located at 84 South Washington St.; Sonora, CA 95370, (209)532-7151. The Union Democrat will file the Affidavit of Publication with the Tuolumne County Clerk within 30 days after completion of publication. The Union Democrat requires that they receive your filing within 20 days of filing in order to make the deadline. The Union Democrat will send Proof a Publication to the County Clerk after the publication is complete.

## When does my FBN Expire?



If it has been published, the filed FBN expires at the end of five years from the date it was filed with the County Clerk.

However, if you have had a change in your information (excluding your residence address), the FBN expires after 40 days of when the change occurred.

Also, if the statement required publication but was not, it expires 30 days after the date of filing with the County Clerk.

### What If I Am No Longer A Partner?



If you wish to withdraw your name as a partner on the FBN, you may file a “Statement of Withdrawal From Partnership” with the County Clerk.

- \$26.00 filing fee
- \$6.00 for each additional registrant

If you choose to file a Withdrawal; the statement must be published within 30 days of filing.

### What If We No Longer Use The Fictitious Business Name?



If you discontinue using the fictitious business name, you may file a “Statement of Abandonment”.

- \$26.00 filing fee
- \$6.00 for each additional registrant

If you choose to file an Abandonment; the statement must be published within 30 days of filing.

### How Can I Find Out If Someone Else Is Using The Name?



You may request a search of the name with the County Clerk to insure that the name you have chosen has not already been registered.



2 South Green Street; Sonora, CA 95370



(209) 533-5573

Certified copies of an FBN are \$4.00 each.

### What If Someone Else Is Using My Name?



Filing an FBN does not reserve the name for your exclusive use. The County Clerk’s office cannot refuse to file an FBN statement because the name is already being used by someone else. If there is a conflict between business owners using the same or similar names, it becomes a legal matter between the business owners.

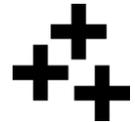
### What If I Have More Than One Business?



More than one business name can be included on an FBN Statement if all other information is correct for each and every name. This includes the name of each partner and the business address.

If business is conducted at a different location, you will need to file a separate FBN statement.

### What If I Have More Than One Business Name?



More than one business name can be included on an FBN Statement if all other information is correct for each and every name. This includes the name of each partner and the business address.

### What If I Made A Mistake On My FBN Filing?



You cannot make changes to an FBN Statement once it has been filed. Any changes requires the filing of a new statement, payment of the filing fees again, and publication in the newspaper.

It is the registrant's responsibility to make sure the information in the FBN Statement is correct and complete before filing.

### Do I Need A Business License?



Tuolumne County does not require a business license in order to conduct business within the county boundaries.

### Other Agencies of interest

|   |                                |
|---|--------------------------------|
| City of Sonora                          | (209) 532-6115                 |
| California Secretary of State           | (916) 657-2166, (916) 657-5448 |
| Department of Justice                   | (916) 322-3360                 |
| California Board of Equalization        | (800) 400-7115                 |
| SCORE located at TC Chamber of Commerce | (209) 532-4316                 |
| Internal Revenue Service (IRS)          | (800) 829-1040                 |

## Methods Of Doing Business



The following information is taken from Black's Law Dictionary, Revised 4th Edition. With the exception for the definition of an "Unincorporated Association", which was taken from Business & Professions Code 6857. It is not intended to provide exact legal definitions under California law or to supplant the need to consult an attorney.

The County Clerk and Deputy Clerks are prohibited from rendering legal advice or assistance under Government Codes 24004 and 68082.

| Type                       | Definition   |
|----------------------------|--|
| <b>Business Trust</b>      | As distinguished from a joint-stock company, a pure "Business Trust" is one in which the managers are principals, and the share holders are cestuis que trust (those who have a right to beneficial interest in and out of an estate the legal title to which is vested in another).   |
| <b>Co-Partnership</b>      | A partnership (a voluntary contract between two or more competent persons to place their money, effects, labor, and skill, or some or all of them, in lawful commerce or business, with the understanding that there shall be a proportional sharing of the profits and loss between them).  |
| <b>Corporation</b>         | An artificial person or legal entity created by or under the authority of the laws of a state or nation, composed, in some rare instances, of a single person and his successors, being the incumbents of a particular office, but ordinarily consisting of an association of numerous individuals, who subsist as a body politic under a special denomination, which is regarded in law as having a personality and existence distinct from that of its several members, and which is, by the same authority, vested with the capacity of continuous succession, irrespective of changes in its membership, either in perpetuity or for a limited term of years, and of acting as a unit or single individual in matters relating to the common purpose of the association, within the scope of the powers and authorities conferred upon such bodies by law. |
| <b>General Partnership</b> | A partnership in which the parties carry on all their trade and business, whatever it may be, for the joint benefit and profit of all the parties concerned, whether the capital stock be limited or not, or the contributions thereto be equal or unequal.  |

| Type                                   | Definition  |
|--|---|
| <b>Individual</b>                      | A single person as distinguished from a group or class  |
| <b>Individuals (A Married Couple)</b>  | One of the great domestic relationships being that of two individuals lawfully joined in marriage or partnership.   |
| <b>Joint Venture (Joint Adventure)</b> | A commercial or maritime enterprise undertaken by several persons jointly; a limited partnership - not limited in the statutory sense as to the liability of the partners, but as to its scope and duration.  |
| <b>Limited Liability Company</b>       | A Limited Liability company has two or more members which may be individuals, partnerships, limited partnerships, trust estates, associations, corporations, limited liability companies, or other entities. The Articles of Organization must be executed by one or more persons who may be members of the limited liability company but are not required to be. The existence of the limited liability company begins upon filing the executed Articles of Organization with, and on the LLC-1 form prescribed by, the Secretary of State. The name of the limited liability company must end with the words "LLC" or "Limited Liability Company". Do not enter periods between the letters "LLC". The words "Limited" and "Company" may be abbreviated to "Ltd." and "Co." The name of the limited liability company may contain the name of one or more members but not the words bank, insurance, trust, trustee, incorporated, inc., corporation, or corp. The Secretary or State will not accept names which it determines are likely to mislead the public or that are the same as, or resemble so closely as to tend to deceive, the name of another domestic or registered foreign limited liability company or a name reservation. |
| <b>Limited Partnership</b>             | A partnership consisting of one or more general partners, jointly and severally responsible as ordinary partners, and by whom the business is conducted, and one or more special partners, contributing in cash payments a specific sum as capital to the common stock, and who are not liable for the debts of the partnership beyond the funds so contributed.  |
| <b>Unincorporated Association</b>      | An unincorporated group of persons organized primarily for the collection of claims of its own members.   |