

# **FBN- Frequently Asked Questions**

## **What are the most common reasons mailed FBN applications are rejected?**

- No payment or incorrect payment. *Fee is \$35 for the first name and \$7.00 for each additional name and/or registrant.*
- Form not signed or has digital signature. *A “wet” signature is required.*
- Applicant attempting to file as a Corporation, LLC, or LP is not registered as such with the Secretary of State.
- Signer is not listed on the articles of incorporation for the corporation or is not an officer with the LLC or LP.
- Missing or incomplete fields on the form.

Please ensure your application/payment is complete and correct prior to mailing.

## **I would like to do business as a corporation or LLC. Are there additional steps I need to take?**

Yes, you will need to register your business with the [California Secretary of State](#) prior to filing as a corporation, LLC, or LP on your FBN.

Additionally, if you choose to use words such as “Corporation, Corp., Incorporated, Inc., LLC” etc., in your business name you must be registered as a corporation or LLC with the Secretary of State. Our office will request your SOS file number and articles of incorporation. If you do not have an active file number your application may be rejected.

## **Does it matter if another business has the same or similar name?**

We will file any properly completed FBN Statement. We do not check to see if the name is already on file, nor do we prevent someone from filing a duplicate or similar name. It is the responsibility of the owner to conduct a search to determine if the name is in use.

However, Business and Professions Code §14411 states, "The filing of any fictitious business name statement... shall establish a rebuttable presumption that the registrant has the exclusive right to use as a trade name the fictitious name, as well as any confusingly similar trade name, in the county in which the statement is filed, if the registrant is the first to file such a statement in that county, and is actually engaged in a trade or business utilizing such fictitious business name."

Enforcement of this is up to the business, not the County.

## **How can I find out if someone already has an FBN Statement with a name I'm considering using?**

Perform a search using our [FBN Lookup](#) feature.

## **If I file an FBN Statement, do I need to also obtain a Business License?**

A FBN statement is not a license to conduct business. The County Clerk does not issue business licenses, nor can we advise you regarding which licenses or permits are required for your business.

If you are operating within the unincorporated areas of Fresno County please contact the [Fresno County Auditor Controller](#) for details. If you are operating within a city please contact the city you will be operating in for additional information.

## **When does an FBN Statement expire?**

The FBN Statement expires five years from the date of filing unless it is abandoned sooner.

- You must re-file every 5 years, paying the current fees, even if there are no changes.
- You are not required to republish a renewal if the information remains the same and the filing did not expire.
- You do not need a third party to file a new or a renewed FBN statement for you.

## **Do FBN Statements have to include the residential address(es) of the owner(s)?**

Yes. State law requires the residential address of the registrant(s). Post office boxes, postal mailboxes, or mail service addresses are not allowed for the residential address or the business address.

The exception is for participants in the [California Safe at Home program](#) administered by the California Secretary of State. You may be eligible for this program if you meet the following criteria:

- a victim of domestic violence, stalking, sexual assault, and effective January 1, 2018, victims of human trafficking;
- a household member of a victim listed above (effective January 1, 2018);
- a reproductive health care facility employee, provider, patient, or volunteer;

AND is in fear for his or her own safety or the safety of a minor child or incapacitated adult.

Additional information is available at the above link.

## **What should I do if I am no longer doing business under my filed FBN Statement?**

The law requires that you file a [Statement of Abandonment of Use of Fictitious Business Name form](#), pay the appropriate fee, and then publish the form.

## **How can I find the owner's name, address, and telephone number?**

The owner's name and address are part of the FBN filing and is public record. This information can be searched using our [FBN Lookup tool](#).

The owner's telephone number is not part of the required filing information.

## **What does it mean if the business name is not filed here?**

The fact that a name has not been filed in Fresno County can mean several things. It may simply mean that the company is doing business with an unregistered name, or that it is registered in another county, or that it is registered with the [Secretary of State's Office](#) as a corporation, limited liability company or limited partnership, or has the name Trademarked with the Secretary of State's Office, and thus does not need to file a Fictitious Business Name Statement.

## **How to research and locate filed FBN Statements.**

[Perform a search using FBN Lookup.](#)

## **Who must sign an FBN Statement and other related forms?**

An FBN Statement, Statement of Abandonment, or Statement of Withdrawal from a Partnership must be signed by an owner or partner listed on the Statement or recognized officer of a corporation or limited liability company.

## **How can I fix an error, add a new business name, change existing name, change the business address, or change a partner on an existing FBN Statement?**

The FBN Statement is a legal document and no changes may be made to an FBN Statement once it is filed. Be certain the information in the statement is correct and complete before filing it. Once your statement has been filed, **changes to the filing cannot be made**, and **no refunds are issued**.

If any change occurred in the facts of the original statement, other than a change of residence address for owner, partner, officer etc., a new FBN Statement must be filed and will also need to be published.

### **How can a general partner be removed from an existing FBN Statement?**

The general partner being removed may file a Statement of Withdrawal from Partnership Operating Under an FBN Statement, pay the appropriate fee, and publish the form unless a Notice of Dissolution of Partnership has been published pursuant to Section 15035.5 of the Corporations Code.

A Statement of Withdrawal from Partnership must be signed by the partner being removed from the Statement.

### **What if I don't have a location in California but occasionally do business in the state?**

The law requires filing an FBN Statement with Sacramento County if the principal place of business is out of state and there's no office or store in California.

### **Where do I need to file my FBN Statement if my business is operated out of state, but I have a small office or store in California?**

The law requires filing an FBN Statement with the county where the office or store is located.

### **Do I need to hire a third party to file an FBN Statement for me?**

No. Third party "filing services" send solicitation letters to businesses offering to file official documents such as FBN Statements on your behalf, for a fee.

Some of these letters even contain an official-looking seal. These solicitations are not being made by or on behalf of any governmental entity. Although a business entity can use a service to submit filings and fees, no business is required to go through another company to file its FBN Statement.

## **What is the purpose of the Fictitious Business Name requirement?**

The filing of a fictitious business name statement is designed to make available to the public the identities of persons doing business under the fictitious name This requirement helps consumers know the identity of who they are doing business with.

## **Is this a County of Fresno requirement?**

FBNs are required by the State of California under Business and Professions Code sections 17900-17930 and 14411-14418. State law requires the statement to be filed at the county level.