

Questions and Answers about Business Names and Corporations

5/7/04

****This is not legal advice. Always contact an attorney.****

Who can file? Anyone who conducts business in NY State should file a business name with the county clerk of the county in which you are doing business.

What document will I need? To file a business name, you need to complete the necessary documents. Applicants may obtain forms here in the Clerk's office for \$1.00 or from most commercial/ legal stationary stores, or from an attorney.

Commonly used forms are:

- Application for Sole Proprietor/Individual
- Application for Partnership More than One Person
- Application for Amended Certificates/ Change of anything
- Application for Discontinuance for Individual
- Application for Discontinuance of Partnership

How many documents must I submit? One original Sole Proprietor/Individual, Partnership More than one person, amended Certificates/ Change of Anything; Discontinuance for Individual or Partnership form must be filed.

What information must be included on the documents? Each document filed must include the name under which the business is to be conducted; the physical address of the business; the full name, residence and signature of each person conducting business and the age of any individual under 18 who is signing the document. The signature of each person conducting business must be properly NOTARIZED.

Is there a fee? The fee for filing a business name is \$25. There is a fee of \$5.20 for a certified copy; you may need a copy to open a bank account. Payments are accepted in Cash, Credit card, money order, personal checks or certified checks. If you are filing a Discontinuance, there is no fee.

How do I file? Complete and have notarized the appropriate filing forms and bring or mail them with the appropriate fee to the Broome County Clerk, PO Box 2062, Binghamton, New York 13902; or physical address 44 Hawley St., Binghamton NY 13901. We can notarize your signature with proper ID.

Are existing business name filings available for public inspection? The records of business names currently on file in Broome County are available for public review on-line or here in the office at no charge. Our staff can perform a search for a fee of \$5.00 for each 2-year period searched. Our address is P.O. Box 2062, Binghamton NY 13902.

By filing in Broome County, may I operate in other counties? If you plan to conduct business, in other counties, you should file your business name with the clerk's of each county you wish to operate in.

What else must I do?

Once your Business Name is accepted, you are able to conduct business within that County. However, there may be other municipalities and authorities you should contact to ensure that you are complying with all federal, state and local obligations.

How do I incorporate my business?

Corporation filings are handled directly with New York State. You should contact the NYS Department of State, Division of Corporations, 41 State Street, Albany, New York 12231. Telephone (518) 473-2492 or (900) 835-2677. You may also wish to consult an attorney.

Are existing incorporation filings available for public inspection?

Once filed with New York State, a certificate of incorporation paper is forwarded to the County Clerk where they are indexed and available for public review.

How do I obtain a Federal Tax ID#?

You will need to contact the Internal Revenue Service at the Federal Building at 11-17 Henry Street, Binghamton, NY 13901.

What about New York State Tax?

Contact the NYS Taxation and Finance Department, in the NYS Office Building, 44 Hawley Street, Binghamton, NY 13901

Where can I turn for business assistance?

In Broome County, there are a variety of resources available; i.e., SCORE (Service Corps of Retired Executives), the Broome County Chamber, Binghamton NY 13902, (607) 772-8860; or call, Small Business Development Center (607) 777-4024.

You may wish to contact federal, state or local commerce and business agencies regarding financial assistance, management consultations and job training opportunities.