

Assessor-Recorder-County Clerk

San Bernardino County, CA



Fictitious Business Name

California law requires that Fictitious Business Name Statements are filed at the county level. As a business owner in San Bernardino County, you may be required to file a Fictitious Business Name Statement with our office based on the name of your business.

The following is information on the Fictitious Business Name Statement, its requirements, and how to file it.

Keep Reading to Learn About:

- What is a FBN
- Name Publication Requirements
- Place of Filing
- Expirations
- Abandonments
- Withdrawal of a General Partnership
- Misleading Business Solicitations
- Frequently Asked Questions





What is a Fictitious Business Name?

If the business is owned by an individual:

- A FBN is a business name that DOES NOT include the surname of the individual owner, AND EACH of the partners or the nature of the business is not clearly evident by the name.

In the case of a corporation, limited liability company, or limited partnership”

- A FBN is any name other than the exact name that is on record with the Secretary of the State’s Office

If your business name is a FBN, you must file a FBN Statement with our office.

Examples:

“*Joyce Smith Catering*” **would not** require a FBN be registered because the owner (Joyce Smith) is conducting business under her legal name.

“*Smith and Company Catering*” **would require** a FBN be registered. Even though the surname of the owner is stated, the words following the surname suggest other owners that are not specifically named. (Other examples include “Associates”, “and Sons”, etc.)

You must check the FBN Index to determine if you have selected a name that is the same or is similar to one already on file: <http://acrparis.sbcounty.gov/fbn/index.html>

The county clerk is responsible for determining the acceptability, not the legal sufficiency of documents presented for filing. **Questions regarding the legal sufficiency of any document should be referred to an attorney.**

Place of Filing

The Fictitious Business Name Statement shall be filed with the clerk of the county in which the registrant has his or her principal place of business in this state. For example, if you own a business in San Bernardino County, you would file a FBN Statement with the San Bernardino County Clerk.

If the registrant has no place of business in this state, the FBN will be filed with the Clerk of Sacramento County.

Nothing shall preclude a person from filing a Fictitious Business Name Statement in a county other than where the principal place of business is located, as long as, the requirements as stated above are also met.

When filing in person, the registrant will be required to present personal government issued identification to establish identity.

Abandonments

If you will no longer be conducting business and an FBN for your business was filed within the previous five years, you will need to file a Statement of Abandonment of the use of your FBN.

The Abandonment shall be executed in the same manner as a Fictitious Business Name Statement and shall be filed with the San Bernardino County Clerk.

The Abandonment shall be published in the same manner as a Fictitious Business Name Statement and an affidavit showing its publication shall be filed with the county clerk within 30 days from the FBN file date..



Withdrawal of a General Partnership

Any person who is a general partner in a partnership that is or has been regularly transacting business under a Fictitious Business Name may, upon withdrawing as a general partner, file a statement of withdrawal from the partnership operating under a Fictitious Business Name.

The Withdrawal shall be executed by the person filing the statement in the same manner as a Fictitious Business Name statement and shall be filed with the county clerk where the partnership filed its Fictitious Business Name Statement.



Name Publication Requirements

After you have determined that you need to file a FNB Statement with our office, you also will need to complete the following:

The registrant will publish the statement once a week for four consecutive weeks in a legally adjudicated newspaper of general circulation in the county where the fictitious business name is filed.

The first publication of the statement must appear in the newspaper within 30 days from the filing date or it becomes obsolete and must be refiled again with another filing fee.

If the county has no newspaper of general circulation, it will be published in an adjoining county. If the registrant does not have a place of business in the state, publication will be made with the clerk of Sacramento County.

An affidavit of publication shall be filed with the County Clerk where the fictitious business name statement was filed within 30 days from the FBN file date.



Fictitious Business Name Customer Alert

Misleading Business Solicitations

In Person

Many business owners are being solicited outside of our facility and in our lobby by third party vendors who offer services related to Fictitious Business Name filings. These vendors are not county employees. Please consult with county clerk employees located inside the facility and behind the counters for actual filing fees and requirements. To report any fraudulent activities please contact:

- California Department of Consumer Affairs at (800) 952-5210
- San Bernardino City Police Department at (909) 383-5311

By Mail

The San Bernardino County Assessor-Recorder-County Clerk's Office has been advised that solicitations are being sent to business owners alerting them that their Fictitious Business Name (FBN) Statements have expired. These solicitations are also being sent to business owners who have recently filed FBN Statements.

Renewal letters are mailed from the San Bernardino County Assessor/Recorder-County Clerk to business owners approximately one month before the FBN Statements are to expire.

Although these solicitations appear to be official, they are not being made by the San Bernardino County Assessor/Recorder-County Clerk's Office. Be aware that some of these solicitations might contain one or more of the following:

- Envelope contains an official-looking seal
- The solicitor's name contains wording that is similar to a government entity
- Quote a specific statute or other law on the form to be filled out and returned
- Provide the business name information
- Quote a fee for publication which the Assessor-Recorder-County Clerk's Office does not collect
- Reference fees estimating from \$125.00 to \$500.00 (see Fee Schedule) Provide the San Bernardino County Assessor/Recorder-County Clerk's Fictitious Business Name Statement.

Business owners that receive one of these unsolicited letters can mail a written complaint to the California Attorney General. The form is available on their website at www.ag.ca.gov/consumers/general.php. Complete the form online, print and it along with the entire solicitation (including solicitation letter, the outer and return envelopes, and all related documents) to:

California Attorney General's Office, Public Inquiry Unit
P.O. Box 944255
Sacramento, California 94244-2550.

Frequently Asked Questions

Can I use a P.O. Box for an Address?

A post office box does not satisfy the requirement of "street address" or "residence address."

Can I abbreviate my cities name?

All city names must be spelled out on the Fictitious Business Name Statement.

How do I go about filing a FBN statement?

An FBN statement can be filed in person or by mail by completing an application. An application can be obtained from our website

Can I come in and file for someone else?

Yes, as long as you bring in a complete application signed (original signature) by the owner/s.

What happens if I don't publish in an adjudicated newspaper of general publication?

Your filing will expire 30 days from the date you filed and you will have to file again, and pay the fee/s.

Am I able to make any changes to my FBN after I file?

Yes, changes can be made to the filing such as business address, owner's address or to add an additional owner(s) name(s). These changes are considered a new filing and the same requirements for publishing apply.

How do I search a business name that may have been filed?

A search for a business name can be done through our website

Is this where I come and get my license?

No, business license/permit is obtained through City Hall where the business is located.

What if my business is located in an unincorporated area?

If your business is located in an unincorporated area, then you will need to contact the Clerk of the Board

Where can I get my resale license?

Resale license is obtained through the State Board of Equalization located in the City of Riverside.

Where do I get my employee Tax ID number?

You will need to contact the Franchise Tax Board

All forms related to Fictitious Business Names can be found on our website at:

<http://www.sbcounty.gov/ARC/Forms.aspx>

For office locations and phone numbers of the main office and district offices, please visit:

<http://www.sbcounty.gov/ARC/About/Locations.aspx>

