

There are, of course, many questions to be answered before you launch into your business. First, you must decide whether you have the experience, skill, business know-how and sheer stamina it may take to be successful. You must decide what that business will be, where it will be located, whether you will start from scratch or buy a going business, how much capital you will need, and so on. Preparation of a thorough business plan is very important in obtaining financing. And, finally, there are many legal questions to be answered, some of which are covered in this pamphlet.

FORMS OF BUSINESS

The type of business organization that will be used by you is entirely your choice. There are four basic types of business organizations.

1. Sole Proprietorship
2. Partnership
3. Corporation
4. Limited Liability Company

The importance of professional assistance will become readily apparent because the type of organization you choose for your business involves a great many considerations which can be brought to your attention by your professional counselors. Some of the questions that you will want to consider concern tax advantages, organizational expenses, control of the business, expansion of the business, perpetuation of the business and personal liability resulting from the business. This is not a complete list, but should assist you in your choice of business organization type and in obtaining professional assistance before starting your business.

SELECTING A BUSINESS NAME

You may conduct your business under your own name, the names of your partners or business associates, or under an assumed name. Many names must be registered with an official with the city, county, or state government. You should remember not to choose a name that is the same or deceptively similar to the name of another business or you may face legal action. You may be able to obtain protection for the exclusive use of your business name.

LICENSE TO DO BUSINESS

A license must be obtained from the state for certain businesses. If your business is home-based, certain restrictions may apply.

TAX LAWS

Tax consequences will result from your operations of business. State, local, and possibly federal taxes will be imposed upon your business. To determine which of the above taxes will apply to you, how much you will have to pay, and the most advantageous type of business from a tax standpoint, it will be necessary for you to seek professional counsel and advice from your attorney and/or accountant. You may be further required to obtain state and federal account numbers and authority for collection, reporting and payment of sales and employees taxes.

EMPLOYEE RELATIONS

Anyone hiring an employee may not discriminate against any applicant because of race, color, religion, or national origin, and, with certain exceptions, may not refuse to hire a person

solely because of that person's age or sex. Also, the law regulates the employment and working conditions and hours of minors especially, and of all employees generally.

You may be required to pay minimum wages and overtime as established by law.

As an employer you will find it advantageous to cover any liability toward your employees with insurance. The type, amount, and extent of coverage necessary for your business to protect you, your employees, your business property, and other liability situations should be discussed fully with your qualified insurance broker.

SECURITIES LAWS

If you sell stock, most types of notes or other interest in your business to family, friends or other investors, federal and state securities laws may apply. To qualify for an exemption, you may need to file documents with governmental agencies either before or after a sale is completed. Failure to comply with federal or state securities laws can result in personal liability. The effect of securities laws should be discussed with your lawyer.

FRANCHISE AGREEMENTS

If your new business will enter into a franchise agreement, it is important that you have your lawyer review the franchise agreement and the franchise disclosure documents before you sign the agreement. Franchise agreements typically impose very significant financial and legal obligations upon the franchise. Your lawyer may be able to help you modify the franchise agreement to make it more favorable to you.

PROFESSIONAL INPUT

Do not hesitate to obtain professional counsel. Good advice can make the difference between success and failure. Here are some of the ways in which professional advisors can be of assistance to you:

YOUR LAWYER: He or she can help you choose the type of business organization that best suits your needs and objectives; advise you as to local, state, and federal regulations which affect your business; obtain licenses and permits; prepare or review contracts; resolve tax questions; assist in obtaining financing and give practical advice on many business problems. Your Will or other estate plan should be revised by your lawyer to include your new business interests.

YOUR BANKER: He or she can point out possible sources of capital including a mortgage on your home or other property, commercial bank loans, credit from suppliers of equipment and merchandise, financing of receivables by a factoring company, a Small Business Administration loan and other sources.

YOUR ACCOUNTANT: He or she can supervise procedures for keeping payroll, tax and other business records.

YOUR INSURANCE BROKER: He or she can advise you as to the types and amounts of insurance you should carry to protect yourself and your business against loss.

The local Chamber of Commerce, or, the Small Business Administration, a federal agency, also can assist you in the formative stages of your business and thereafter. State and local business

incentive programs may be available to you; that availability and qualification requirements for assistance should be thoroughly examined at the outset of any or new expanding business endeavor. You should determine whether your business qualifies for minority-owned or female-owned business certification.

ODDS

The odds are against the eventual success of any new business. The majority of new businesses fail for a variety of reasons. Those reasons range from lack of market to inadequate organization. The cost of failure is always high, if not in dollars, then in disappointment and personal disillusionment, not to mention long hours and hard work. Your attorney and other professional advisors cannot guarantee your success; but they can help improve your odds.

This brochure is provided for informational purposes only. While every effort has been made to ensure accuracy, it cannot be relied upon as legal advice. Applicability of the legal principles discussed may differ substantially in individual situations, and you should consult with your legal advisor.

817 Peoria Street
PO Box 484
Peru, IL 61354

Telephone: (815) 223-3434

Fax: (815) 223-3489

Email: zukowski@theramp.net

Visit us online at www.zukowskilaw.com

Zukowski Law Offices

Starting a Business

