

Assumed Names (DBA)

A sole proprietor or a general partnership conducting or transacting business in Alpena County is required by statute, to file their business names in this county, on forms provided by the County Clerk's Office, or on our website called DBA Form {MCL 445.1}. Assumed Names Certificates protect the name of the business in Alpena County only, therefore an Assumed Name Certificate must be filed in every county where business is conducted.

A Co-partnership Certificate must only be filed in the county where the business address is located.

The fee to file, renew, amend, or dissolve an Assumed Name Certificate is \$15.00. The certificate expires after five (5) years. If a business registration is not renewed, the name can be given out to someone else. The Clerk's Office sends out a renewal notice a few weeks prior the expiration date.

At the time of filing, this office will verify if the business name is available in this county. Once accepted, 2 certified copies of the certificate are provided to the business owner. It is your responsibility to check local telephone books and news media to make certain there are no existing businesses using the name you have selected.

The Certificate of Assumed Name/Co partnership is not complicated, but they are legal documents. A person must be at least 18 years of age (legal age for an adult) to file a DBA. Information given on them should be as complete and accurate as possible. This office reserves the right to refuse any name that is "so nearly similar thereto as to lead to confusion or deception".

Notarization of the certificate is required. This office will notarize the document, if the owner has a current valid driver's licenses or state-issued ID. If more than one person owns the business, and you wish the Clerk's office to notarize, everyone listed on the DBA must appear in the Clerk's office with proper ID.

It is the responsibility of persons owning a business to notify this office and file the required forms if:

- The principal address of the business changes
- The business is dissolved
- Please note: the only function of this office is to file business names at the county level. There may be other local, state and federal requirements and regulations, which affect your business.

If you wish to obtain a certified copy of an Assumed Name on file, please mail your request to the: Alpena County Clerk, 720 W. Chisholm St. Ste. #2; Alpena, MI 49707

Frequently asked questions

Can I use any name I want? No. The Co-partnership Act and Fictitious Name Act require that the name of a sole proprietorship or co-partnership cannot be that same or similar to a name already on file with the county so as to cause confusion or deception to the public.

I need a DBA for my bank, but my business is incorporated. What should I do? If you are incorporated, the only place you should file an assumed name is with the State of Michigan-the same as your Articles of Incorporation. If you need the name to be filed quickly, you may file using the new electronic filing system, MICH-ELF. The instructions and application for filing electronically can be found on the State of Michigan website. When using MICH-ELF, your document will be reviewed within 24 hours. The bank should not be advising corporations to file at the county. They can call the State of Michigan Corporation and Securities Bureau at (517) 241-6470 for verification of this information.

If I file a DBA in all 83 counties of Michigan, will that protect my business name? No. Filing your business name does not create substantive rights to the use of that name.

Why do I have to register my business with the County? Michigan law requires that persons, who own, conduct or transact business in a county, register the business name in the county as a matter of public record.

If my business has been incorporated with the state, do I still need to file with the County? No, the following entities do not file at the county level:

- Corporations
- Limited partnerships
- Limited liability companies
- Assumed names owned by corporations
- Nonprofit organizations

To obtain a **state tax ID** number contact the Department of Treasury at (231) 922-5230

To obtain a **federal tax ID** number contact the Internal Revenue Service at (800) 829-1040 (Service Center)

Profit and not-for-profit corporations contact the Bureau of Commercial Services, Corporation Division, at (517) 241-6470 or www.michigan.gov/cis

Business licenses contact the Bureau of Commercial Services, Corporation Division, at (517) 241-6470 or www.michigan.gov/cis

For information regarding corporations, please call the Bureau of Commercial Services in Lansing, Michigan at (517) 241-6400 or write:

Michigan Department of Consumer & Industry Services Bureau of
Commercial Service –Corporation Division 7150 Harris Drive, P.O.
Box 30054
Lansing, MI 48909

Biz Resource Center www.misbtdc.org for more information or contact Alpena Community College at (989) 358-7252

Office hours are Monday-Friday 8:30 am – 4:30 pm. closed all legal holidays.
For more information call the Alpena County Clerk's office at (989) 354-9520.

Some information obtained from the Michigan Department of Consumer & Industry Services