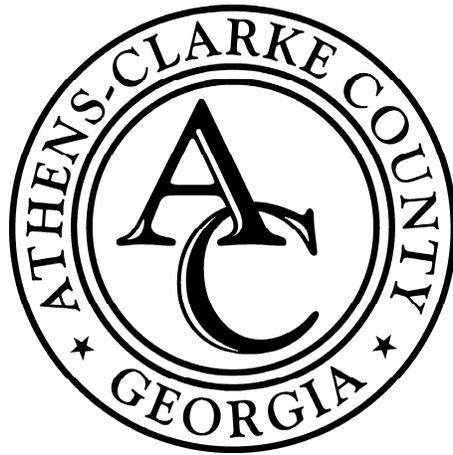


# **Start Me Up:**

## **Small Business Guide for Athens-Clarke County**



Updated March 10, 2010

# **Table of Contents**

Welcome .....	3
What is an Entrepreneur? .....	4
Is Entrepreneurship for You?.....	5
Self-Biz Quiz .....	6
One Year Checklist for Entrepreneurs .....	8
Business Plan.....	12
Feasibility and Marketing Strategy .....	14
Determining Cash Needed to Start a Business .....	16
Demographic Information .....	17
Procurement – Doing Business with the Government .....	18
Legal Aspects of Starting a Business.....	19
Licensing and Permits Information .....	22
Building Construction and Renovation .....	25
Application, Hiring and Termination Process .....	27
Business Resources .....	29
State-Issued Licenses .....	30
Glossary of Terms.....	32



Welcome to Athens-Clarke County. We are thrilled you have decided to open your business here. Choosing Athens-Clarke County for your business may be your best business decision yet. We are committed to being an entrepreneurial friendly community. There are many valuable resources available in Athens-Clarke County – all dedicated to helping you get a great start.

Please use this guide as a resource for navigating your way through a simplified start-up process and on to a successful livelihood in Athens-Clarke County.

*The contents of this publication are presented for informational purposes only. We encourage you to seek the advice and council of a licensed professional when dealing with legal and financial matters.*

*While care has been taken to provide accurate, up-to-date information, the data presented has been collected from numerous sources and is subject to change. Further research for updates and accuracy are encouraged.*

***This guide would not have been possible without the dedication of many individuals and the cooperation of numerous organizations. We would like to thank all who contributed in any way.***



## ***What is an Entrepreneur?***

- Someone who organizes and maintains a business venture.
- Someone who takes on the risk and does what he/she wants in order to make a profit.
- Someone who can coordinate resources available to meet a need.

How can you become an entrepreneur? How can you start your own business? The goal of this publication is to simplify your transition into the role of an entrepreneur. We hope to make operating your business successfully in Athens-Clarke County easier by giving you "one-stop shopping" for the information you will need. We are determined to promote economic growth and development in our community. We believe this begins with you. By giving you the proper tools, we can help build a strong economic foundation which will benefit the entire community.

In order to receive the maximum benefits of the information contained here, we suggest you treat this document as you would a workbook. Start at the beginning and work through to the end, making notes along the way.



## ***Is Entrepreneurship for You?***

It is impossible to eliminate all the risks associated with starting a small business. You can improve your chances of success with proper planning and preparation; however, a good starting place is to evaluate your strengths and weaknesses as the owner and manager of a small business. Carefully consider each of the following questions:

**Are you a self-starter?** It will be up to you - not someone else - to develop projects, organize your time and follow through on details.

**How well do you get along with different personalities?** Business owners need to develop working relationships with a variety of people, including customers, vendors, staff, bankers, and professionals such as lawyers, accountants or consultants. Can you deal with a demanding client, an unreliable vendor, or cranky staff person in the best interest of your business?

**How good are you at making decisions?** Small business owners are required to make decisions constantly, often quickly, under pressure, and independently.

**Do you have the physical and emotional stamina to run a business?** Business ownership can be challenging, fun, and exciting. But it's also a lot of work. Can you face 12-hour work days, six or seven days a week, and the business being on your mind 24/7?

**How well do you plan and organize?** Research indicates that many business failures could have been avoided through better planning. Good organization of financials, inventory, schedules, and production can help avoid many pitfalls.

**Is your drive strong enough to maintain your motivation?** Running a business can affect your health and wellbeing. Some business owners feel burned out by having to carry all the responsibility on their shoulders. Strong motivation can make the business succeed and will help you survive slowdowns as well as periods of burnout.

**How will the business affect your family?** The first few years of business startup can be hard on family life. The strain of an unsupportive spouse may be hard to balance against the demands of starting a business. There also may be financial difficulties until the business becomes profitable, which could take months or years. You may have to adjust to a lower standard of living or put family assets at risk.

**Can the market bear your business? Have you done research to find out?**

**Can you afford to own your own business?**

**Are you prepared to market yourself effectively to attract customers?**

**Is there ample workforce for your business?**



## Self-Biz Quiz

Are you the type person who should open your own business? Take this short quiz and see how your score adds up.

<b>MOTIVATION</b>	<b>Disagree</b>	<b>Strongly Agree</b>
1. I constantly see business opportunities or ideas with potential commercial value.	1	2 3 4 5 6 7 8 9 10
2. I like growing or building businesses or taking ideas and implementing them.	1	2 3 4 5 6 7 8 9 10
3. I regularly come up with new ideas on doing things better or more efficiently.	1	2 3 4 5 6 7 8 9 10
4. I am able to find solutions to challenges and problems.	1	2 3 4 5 6 7 8 9 10
5. I am able to find the help, assistance and resources I need to be successful	1	2 3 4 5 6 7 8 9 10
6. I am a dynamic person providing vision, hope and energy to those with whom I work and partner.	1	2 3 4 5 6 7 8 9 10
7. I am a hardworking person. I do what it takes to succeed.	1	2 3 4 5 6 7 8 9 10
8. I am able to adapt to changes and surprises quickly and successfully.	1	2 3 4 5 6 7 8 9 10
9. I am able to successfully manage risk associated with creating and growing a business.	1	2 3 4 5 6 7 8 9 10
10. I thrive on learning. I am constantly seeking new information that can help me with my business.	1	2 3 4 5 6 7 8 9 10
11. I am motivated by success and driven to do well.	1	2 3 4 5 6 7 8 9 10
12. I believe in working with others who can help me make my dream a reality.	1	2 3 4 5 6 7 8 9 10
<b>CAPACITY RELATED TO BUSINESS SKILLS</b>		
<i>Consider yourself and other members of your management team.</i>		
13. Ability to assess market opportunities	1	2 3 4 5 6 7 8 9 10
14. Ability to develop products or services	1	2 3 4 5 6 7 8 9 10
15. Ability to provide products or services	1	2 3 4 5 6 7 8 9 10
16. Marketing and communications capacity	1	2 3 4 5 6 7 8 9 10
17. Fiscal management	1	2 3 4 5 6 7 8 9 10
18. Ability to acquire financial capital	1	2 3 4 5 6 7 8 9 10
19. Personnel or team development and management	1	2 3 4 5 6 7 8 9 10
20. Ability to develop and sustain partnerships	1	2 3 4 5 6 7 8 9 10
21. Quality control	1	2 3 4 5 6 7 8 9 10
<b>CAPACITY TO NETWORK AND PARTNER</b>		
22. I am comfortable seeking information from others.	1	2 3 4 5 6 7 8 9 10
23. I regularly network to gain information for my business.	1	2 3 4 5 6 7 8 9 10
24. I have an extensive resource network I am constantly building.	1	2 3 4 5 6 7 8 9 10
25. I am comfortable with partnerships.	1	2 3 4 5 6 7 8 9 10
26. I have two or more partnerships associated with my business.	1	2 3 4 5 6 7 8 9 10
27. I have learned how to deal with the challenges of partnering.	1	2 3 4 5 6 7 8 9 10
<b>SUPPORT FROM FAMILY AND COMMUNITY</b>		
28. I am challenged and happy in my work building a business.	1	2 3 4 5 6 7 8 9 10
29. There is a good balance between my work and personal life.	1	2 3 4 5 6 7 8 9 10
30. Family and friends are supportive and encourage me.	1	2 3 4 5 6 7 8 9 10
31. My community is supportive of me and my undertaking.	1	2 3 4 5 6 7 8 9 10
32. My community is actively helping me build my business.	1	2 3 4 5 6 7 8 9 10



## Score Self-Biz Quiz

Question	Total Points		Value Factor		Points
1-2		X	1.0	=	
3-12		X	0.25	=	
13-21		X	0.25	=	
22-27		X	0.25	=	
28-32		X	0.25	=	
Total Points					

### SCORING

0 to 25 points  
 26 to 50 points  
 51 to 75 points  
 76 to 100 points

Low Potential  
 Some Potential  
 Moderate Potential  
 High Potential



## ***One Year Checklist for Entrepreneurs***

Starting your own business is not something to be rushed into. Careful, advanced planning can ensure the success of your venture. Below is a suggested one-year plan. *Please reference the business resources page in the appendix for expanded contact information.*

### **ONE YEAR BEFORE START-UP**

- Refine your ideas in writing.** Determine exactly where you want to go.
- Decide what business you want to start.** Be specific in your business definition.
- Assess the impact on your family and personal life.** How will this affect your relationships? Will your family support the use of finances and time?
- Begin research.** You must determine if there is a need for your product/service. This research can be performed by students, professionals, or even on your own.
- Build your personal skills** by taking formal management/business courses. Check with our local technical college.
- Contact the Small Business Development Center (SBDC)** for assistance in writing a business plan. [www.georgiasbdc.org](http://www.georgiasbdc.org)
- Contact the Georgia Department of Labor (GDOL)** for information on educational seminars on labor/safety issues. [www.dol.state.ga.us](http://www.dol.state.ga.us)
- Determine your cash needs.** How much money do you need for start-up? What will be your monthly variable and fixed costs? What is your break-even point? These are all questions that must be answered. You must estimate your cash flows.
- Review preliminary financial objectives.** How much profit do you expect to make? Are you planning on making investments? What is your intended cash flow?
- Decide on your pricing strategy.** After determining your variable and fixed costs, decide what your markup rate will be. You will also need to consider demand and competitive factors in setting your price.
- Forecast sales.** Contact the SBDC or others in your field to help you forecast accurately.
- Project your cash flow.** Write out an estimated statement of all revenues and expenditures. This statement should cover one calendar year. Also project your net cash flow for the entire year.

### **SIX MONTHS BEFORE START-UP**

- Determine the focus of your business.** What do you want to specialize in? It is easier to excel at one area than at many.
- Start writing your business plan.**
- Define your target markets.** Who is your intended clientele? Who should you aim your advertising towards?
- Research business and trade organizations.** Most areas of business have agencies and organizations set up to facilitate business. Take advantage of what these groups have to offer.
- Seek the best location for your business.** How much space do you need? Would your business be better suited downtown or in a rural part of the county? Is a



store-front location even needed or can you work from your home? Location can make or break a business. Conduct the search on your own or contact a real estate agent.

#### **FOUR MONTHS BEFORE START-UP**

- Name your business.** Be careful in deciding on a name and be aware that someone may already be using the name. Have a few back-up ideas. You can check to see if a name is being used by contacting the [Georgia Office of the Secretary of State](http://www.sos.state.ga.us/default1024.asp). <http://www.sos.state.ga.us/default1024.asp>
- Select business location.** After seeking out several possible locations, now is the time to choose one. Make sure that the location you choose is within your budget.
- Select outside advisors.** This will be a very hectic time. It will be beneficial to have people on whom you can call to listen to your ideas, problems, and plans. These people will provide you with guidance, constructive criticism, and feedback. They should be people experienced and knowledgeable in business.
- Set up a network of mentors.** Select people who can help you by giving you insight and ideas.
- Choose your business's legal form.** Will you be a partnership, sole proprietorship, or corporation? Legal form should be chosen very carefully as it can impact your business in many ways.
- Set up bookkeeping, accounting and office systems.** How are you going to operate your office? If you are going to keep your own books, then you need to learn or refresh your skills. Are you going to hire a bookkeeper/bookkeeping firm?
- Seek outside demographic information.** Gather secondary information.
- Work on your business plan.**

#### **THREE MONTHS BEFORE START-UP**

- Determine your company's employee needs.** How many people do you need on your staff? This is important to decide as it affects your requirements for insurance, etc.
- Work on your business plan.**

#### **TWO MONTHS BEFORE START-UP**

- Prepare your marketing plan.** How are you going to market your product? Are you going to use publicity? Are you going to use paid advertisement? You must decide how you will go about introducing your business to the public.
- Get your business license.** (See occupational tax, page 19)
- Review non-financial objectives (image, legal questions).** How do you want the public to see your business? Are you a family establishment or geared more toward adults? What form is your business taking? Do you have all legal documents needed?
- Prepare a preliminary balance sheet.** Contact the SBDC for assistance.
- Secure necessary financing.** Whether through a private lender or through other sources, you must obtain the necessary amount of start-up capital.



- Secure insurance coverage if applicable.**
- Determine advertising, promotion, and public relations strategies.**
- Order opening inventories. Talk to your suppliers for estimated opening needs.**
- Complete improvements to your facility.**
- Start your hiring process. Develop an employee handbook *before* hiring.**
- Refine your business plan.**

### **ONE MONTH BEFORE START-UP**

- Fine tune your cash flow budget.**
- Prepare for your grand opening.**
- Set up your office, display areas, etc.** Have everything exactly as you want it. The last few days before opening are not the time to do this. The look of your store or office sets the tone for your business. You should put thought and time into it.
- Review your final checklist.**
- Hire your staff.**
- Make sure everything works.** It is better to find out that your equipment does not work in advance. In that case, you can make any necessary repairs and be ready to open your doors on time.
- Implement marketing, promotion, and opening plans.** This will be a good time to start advertising in local newspapers, radio, and television if your budget permits. Remember: Word of mouth is your most powerful publicity! It's also the least expensive. Spread the word.
- CONSIDER DELAYING YOUR OFFICIAL GRAND OPENING/RIBBON CUTTING UNTIL YOU HAVE BEEN IN BUSINESS FOR A COUPLE OF WEEKS.** If you do, you can make sure that you've worked the "bugs" out and that all is running smoothly.

### **START-UP AND AFTER**

- Budget your time.** As a new business owner your time will be precious. Schedule your time wisely. It is important to get the maximum out of time you have available. You might consider reading some time management materials or speaking with someone who you think manages time wisely.
- Continuously update your product/service.** What is good about your product? Make it better. What doesn't work with your product? Eliminate the problem as much as possible. If people patronize your business for the original product, an improved product can only increase that.
- LISTEN to your customers, advisors, and vendors.** The customers are your cash flow. It is important to gather their opinions and put them to use. Their ideas can be helpful in updating your product. LISTEN to your advisors. You asked them to advise you for a reason. Let them guide you. LISTEN to your vendors. These vendors have been in the business much longer than you have. They can possibly provide you with money-saving or moneymaking ideas.
- Check cash flow budget against actual performance.**
- Maintain good communications with your bankers and vendors.** By



keeping the lines of communication open you are helping yourself. Should you need their help in the future, you will be more likely to receive it.

- **Continue to improve the 5 C's of credit** (Character, Collateral, Capacity, Capital, and Condition)
- **Work with investors.** Make sure you are in contact with them. Make sure that you understand the conditions of your repayment. When are payments due? Make sure you fulfill all obligations to investors. You may need to call them again someday.
- **Check cost of living budget.** If you are drawing money from the company for living expenses, be sure to take only what is necessary. Stick tightly to your budget.



## ***Business Plan***

A business plan precisely defines your business, identifies your goals, and serves as your firm's resume. The basic components include a current and pro forma balance sheet, an income statement, and a cash flow analysis. It helps you allocate resources properly, handle unforeseen complications, and make good business decisions. Because it provides specific and organized information about your company and how you will repay borrowed money, a good business plan is a crucial part of any loan application. Additionally, it informs sales personnel, suppliers, and others about your operations and goals.

The following outline of a typical business plan can serve as a guide. You can adapt it to your specific business. Breaking down the plan into several components helps make drafting it a more manageable task.

### **INTRODUCTION**

- Give a detailed description of the business and its goals.
- Discuss the ownership of the business and the legal structure.
- List the skills and experience you bring to the business.
- Discuss the advantages you and your business have over your competitors.

### **MARKETING**

- Discuss the products/services offered.
- Identify the customer demand for your product/service.
- Identify your market, its size and locations.
- Explain how your product/service will be advertised and marketed.
- Explain the pricing strategy.

### **FINANCIAL MANAGEMENT**

- Explain your source and the amount of initial equity capital.
- Develop a monthly operating budget for the first year.
- Develop an expected return on investment and monthly cash flow for the first year.
- Provide projected income statements and balance sheets for a two-year period.
- Discuss your breakeven point.
- Explain your personal balance sheet and method of compensation.
- Discuss who will maintain your accounting records and how they will be kept.
- Provide "what if" statements that address alternative approaches to any problem that may develop.



## **OPERATIONS**

- Explain how the business will be managed on a day-to-day basis.
- Discuss hiring and personnel procedures.
- Discuss insurance, lease or rent agreements, and issues pertinent to your business.
- Account for the equipment necessary to produce your products or services.
- Account for production and delivery of products and services.

## **CONCLUDING STATEMENT**

- Summarize your business goals and objectives and express your commitment to the success of your business.
- Once you have completed your business plan, review it with a friend or business.
- When you feel comfortable with the content and structure make an appointment to review and discuss it with your lender. The business plan is a flexible document that should change as your business grows.

SOURCE: Small Business Administration: [www.sba.gov](http://www.sba.gov)



# ***Feasibility and Marketing Strategy***

## **Is Your Business Idea Feasible?**

Answer the following questions regarding your idea. Give complete, well thought out answers to these questions. If you are unsure about or answer no to any of the following questions, then you should rethink your idea.

- What type of business do you plan to start?
- What kind of product do you plan to offer?
- Will your product satisfy a need yet unfilled?
- Will your product have a competitive edge based on price, location, quality or selection?

## **Researching Your Markets**

It is recommended that you research your potential market demand for your product or service. First, determine what questions you need answered. The following are ideas on where to find the information you need.

### *Primary Data:*

- Your experience
- Experiences of people you know
- Survey potential customers to determine their wants/needs. Observe similar businesses
- Interview these business's owners
- Interview suppliers, vendors, bankers

### *Secondary Data:*

- Visit your public library
- Contact trade associations (i.e. trade shows and trade journals)
- See the Resource Directory for contact information.
- Use various search engines on the Internet (i.e. Google, Yahoo, Lycos, Alta Vista, etc.)

## **Marketing Your Business**

In order to properly market your product, you need to answer the following questions. This information can be used to help you develop your marketing plan. Contact the SBDC for more information on constructing this plan.

- Who are my customers? (This determines your target market.)
- Where are they?
- How many are there? (This indicates your market size.)
- What are their needs?
- Who are my competitors?
- How does my competition do it? (One method of marketing/dealing with competition is the end-run strategy. In this strategy you adopt your competitors' strategies with the intention of making yours better.)
- How can I reach them? (The distribution of your product is very important. Where your product is located can affect how well it sells.)



- How much will they pay? (The pricing of your product is also very important. You must take into consideration what your competitors charge.)
- What are the market trends? (What are people buying? It is important to be aware of what market trends are. This relates back to knowing your customers' needs. Try to distinguish between trends and fads.)
- What are the technological trends? (One obvious answer to this question is the Internet. Will you be using technology? How can it be used to help your business? Do you need to advertise on the Internet? Do you need a network of computers for your business? If you are in a business related to technology, it is imperative that you stay abreast of any changes.)



## ***Determining Cash Needed to Start a Business***

	Estimate of monthly expenses based on sales of X\$/yr.	Estimate of cash needs to start (Col. 1 x 12-36 months)
Salary of owner/manager	_____	_____
All other salaries/wages	_____	_____
Rent (building/equipment)	_____	_____
Advertising	_____	_____
Office Expense	_____	_____
Supplies	_____	_____
Telephone and facsimile	_____	_____
Other utilities	_____	_____
Insurance	_____	_____
Taxes, including Social Sec.	_____	_____
Maintenance/Repairs	_____	_____
Legal/Professional Fees	_____	_____
Loan Payments	_____	_____
Miscellaneous	_____	_____
<b>SUBTOTAL:</b>	_____	_____

### **One Time Start-Up Costs\***

Fixtures and equipment	_____
Decorating and Remodeling	_____
Installation of Fixtures/Equipment	_____
Starting Inventory	_____
Deposit for utilities	_____
Legal/professional fees	_____
Licenses & permits	_____
Advertising and promotions for opening	_____
Other (make additional list if necessary)	_____
<b>TOTAL ESTIMATE OF CASH NEEDED FOR START-UP</b>	_____

\* To determine these amounts, get estimates from suppliers, contractors, professionals, and/or government authorities to ensure accurate amounts and educated estimates.



## ***Demographic Information***

A variety of free demographic information is available on the Internet or through the Chamber of Commerce, Economic Development Foundation, ACC Planning Department, ACC Human and Economic Development Department, Athens Convention and Visitor's Bureau, and state and federal websites. This information breaks down population by different categories such as age, sex, race, income and education. It can be used to help identify the number of people who may use your business or services.

The following sites have useful demographic information:

[www.athenschamber.net/res\\_demographics.php](http://www.athenschamber.net/res_demographics.php)

[www.athensbusiness.org/](http://www.athensbusiness.org/)

[www.athensclarkecounty.com](http://www.athensclarkecounty.com)

[www.visitathensga.com/statistics.cfm](http://www.visitathensga.com/statistics.cfm)

[www.georgiafacts.net](http://www.georgiafacts.net)

[www.dca.state.ga.us](http://www.dca.state.ga.us)

[www.fedstats.gov](http://www.fedstats.gov)

[www.factfinder.census.gov](http://www.factfinder.census.gov)

[quickfacts.census.gov](http://quickfacts.census.gov)

[www.georgiastats.uga.edu](http://www.georgiastats.uga.edu)

[www.bls.gov](http://www.bls.gov)



## ***Procurement – Doing Business with the Government***

Through the Athens-Clarke County Finance Department, Purchasing Division, Governor's Small Business Center, learn how to become a registered vendor with Athens-Clarke County, the State of Georgia and its many agencies (including the University of Georgia). Visit the Athens-Clarke County Finance Department and Governor's Small Business Center websites for more information, a list of current bid opportunities and to register online.

### **Athens-Clarke County Purchasing Division**

[www.athensclarkecounty.com/purchasing/](http://www.athensclarkecounty.com/purchasing/)

### **University of Georgia Procurement Office**

[www.busfin.uga.edu/procurement/](http://www.busfin.uga.edu/procurement/)

### **University of Georgia List of all departments**

<http://busfin1.busfin.uga.edu/mail/index.cfm>

### **Governor's Small Business Center**

[www.georgia.org/Business/SmallBusiness/](http://www.georgia.org/Business/SmallBusiness/)

### **The Georgia Department of Administrative Services**

<http://statepurchasing.doas.georgia.gov>

*From this site you can:*

View Bid Opportunities

Register with the State as a Vendor

Subscribe for Bid Notification Services

Obtain a list of the various Statewide Contracts

### **Georgia Tech Procurement Assistance Center (GTPAC)**

[www.gtpac.org/](http://www.gtpac.org/)



## ***Legal Aspects of Starting a Business***

Deciding what form of legal entity your business will take is an important decision. This will have an impact on the future of your business including your protection under the law, and the rules and regulations (for example, federal and state taxes) that will apply to you.

It is recommended that before you enter into any of these four forms of business that you contact an attorney, Certified Public Accountant (CPA), or other qualified individual. Speaking with someone informed about the legal entities of business will reduce the risk of mistakes in the business setup. You can probably do the necessary paperwork and procedures yourself, but it makes sense to leave it up to the professionals. Also, contact the Small Business Development Center or East Athens Development Corporation for more information.

### **THERE ARE FOUR BASIC FORMS THAT A NEW BUSINESS CAN TAKE:**

- Sole Proprietorship
- Partnership (General or Limited)
- Corporation (C or S)
- Limited Liability Company

A **sole proprietorship** is usually owned and operated by one person. Under the law, it is not actually considered a legal entity. It is instead considered an extension of the person who owns the business. This individual has sole ownership of assets, but is also solely liable for the debts of the business.

A **partnership** can be formed in two ways. A **general partnership** is comprised of two or more individuals who join to start a business. Each person has proportional ownership of the business assets and proportional liability for business debts. Each person also has authority in running this business. A partnership agreement can be drawn up to alter each person's particular liability. However, despite this document, creditors may collect from each and every member of the partnership (this may include personal assets).

A **limited partnership** is made up of one or more general partners as well as one or more limited partners. Limited partners contribute capital and share in profits/losses. These limited partners, however, take no part in the running of the business and are not held liable for the organization's debts.

Whether taking part in a general or limited partnership, it is advisable that you draw up a partnership agreement. This document will detail each partner's rights and responsibilities. Partnerships are required to file both federal and state income tax. While the partnership is not typically taxed, each partner reflects charges for the partnership on his/her personal tax returns.

A **corporation** is an entity, which must be approved by the state of Georgia through



the Office of the Secretary of State. A corporation must file federal, state, and local taxes on its operations. One advantage to a corporation is the protection from liability afforded to shareholders. However, when an organization is small, creditors may require personal guarantees of predominant owners. Another advantage to the corporation is the ease of raising capital through the sale of common or preferred stock. A disadvantage of the corporation is that the organization's income will essentially be taxed twice (once for the business and again on the shareholders personal income tax after collecting dividends). There are two types of corporations: C and S.

The **C corporations** have their own tax identification numbers and pay their own taxes. The **S corporation** must be established first as a C corporation and then apply for S corporation status. An S corporation is not taxed as if it is a corporation. Instead it is taxed similarly to a partnership. Its gains and losses are reflected on the personal income tax of the shareholder. The S corporation does provide limited liability to its shareholders. (The distinctions between S and C corporations can be complicated. It is very important that you consult with someone who is knowledgeable on the subject before making a decision.)

In order to incorporate your business, contact the Office of the Secretary of State. You will then reserve your corporation name. The incorporation process must be completed within 90 days. The Office of the Secretary of State will instruct you in the completion of all documents needed. You will be required to pay an incorporation fee every year by April 1.

**The Office of the Secretary of State**

315 West Tower  
2 Martin Luther King Jr., Drive  
Atlanta, Georgia 30334  
(404)-656-2817  
[www.sos.state.ga.us](http://www.sos.state.ga.us)

This incorporation process includes publishing your intent to incorporate in the local newspaper's legal publication. Newspapers do charge for this service. To publish your intent to incorporate, contact the local print media:

**Athens Banner-Herald, Legal Advertising**

One Press Place (physical)  
Post Office Box 912 (mailing)  
Athens, Georgia 30603-0912  
706-208-2276 (voice)  
706-543-5234 (fax)  
[Legals@onlineathens.com](mailto:Legals@onlineathens.com)

An attorney can usually perform the necessary procedures for you for several hundred dollars. How much it will cost depends on the attorney and your business.

The **limited liability company (LLC)** is one that is owned by two or more persons



known as members. It is a mixture of other forms of organization. This form combines some of the partnership's, corporation's, and S corporation's best features. Similarly to a corporation, you must reserve a name and file the articles of incorporation. You and your fellow members should write an operating agreement to control the conduct of the business.

An LLC shields the personal assets of members as if they were shareholders in a corporation. It also eliminates double taxation. Although an LLC is a somewhat new organizational form, all 50 states and D.C. have authorized the organization of LLC's within their jurisdictions. Most of these states recognize and accommodate for LLC's formed in other states. However, an LLC may not have a perpetual life and there may be some inter-state trade issues. While this form of organization is gaining popularity, you must take great care in the establishment of an LLC to insure pass-through tax treatment.

### **Trade Name Registration**

In the State of Georgia, every person, firm, or partnership that conducts business has two options regarding trade name registration:

1. The business name must include the last name of the individual owner of the business.
2. If using a fictitious name (one not including the last name of the individual owner), the fictitious name must be registered in the office of the clerk of the Superior Court of the county where the business is located.

If your business will use a name other than the owner's personal name, you must register that name with the Clerk of Superior Courts. *Contact: Clerk of Superior Courts, 325 E. Washington St. (706) 613-3190. [www.athensclarke.allclerks.us](http://www.athensclarke.allclerks.us)*

The Clerk's office will provide any paperwork that needs to be completed. Similar to publishing your intent to incorporate a business, you must publish a notice of your trade name registration in the local newspapers. You must also file the required affidavit. Notice of the filing of the trade name registration must be published once a week for two weeks in the legal section of the publication. Prices vary. In order to run your legal advertisement, contact:

#### **Athens Banner-Herald, Legal Advertising**

One Press Place (physical)  
Post Office Box 912 (mailing)  
Athens, Georgia 30603-0912  
706-208-2276 (voice)  
706-543-5234 (fax)  
[Legals@onlineathens.com](mailto:Legals@onlineathens.com)



## ***Licensing and Permits Information***

### **Business License (also called an Occupational Tax)**

If you plan to operate a business in the State of Georgia, most cities and counties require a business license. In Athens-Clarke County, a business license is referred to as a Business Occupation Tax Certificate.

If a business is in multiple locations in Athens-Clarke County, then you must obtain a separate Business Occupation Tax Certificate for each location, in order to comply with State law.

- The Business Occupation Tax levy is based upon the number of employees employed in each location.
- Business Occupation Tax Certificates are valid for the calendar year in which they are obtained. If the Business Occupation Tax Certificate is obtained after July 1<sup>st</sup> of the calendar year, the applicant shall pay 50% of the tax due, plus the administration fee.

### **HOW TO OBTAIN AN OCCUPATION TAX CERTIFICATE IN ATHENS-CLARKE COUNTY:**

1. Prospective business license applicants, including ***Home Based Businesses***, should check their location with the Athens-Clarke County Planning Department.
  - For Home Based Businesses, the Athens-Clarke County Planning Department must issue a **Home Occupation Approval** before you may receive your Occupation Tax Certificate.
  - Even if another business has been previously located in the same location, verification of zoning compliance is required before a Business Occupation Tax Certificate will be approved.

Contact:

Athens-Clarke County Planning Department  
120 West Dougherty Street, Athens, GA 30601  
706-613-3515  
[www.accplanning.com](http://www.accplanning.com)

2. The final step is to complete a Business Occupation Tax Application.

Contact:

Athens-Clarke County Finance Department  
375 Satula Avenue, Athens, GA 30601  
706-613-3050  
<http://www.athensclarkecounty.com/documents/#finance>



The Occupation Tax Certificate will be issued after the application is received, processed, and the tax fee paid. Fees are based on the number of people involved in the business.

Your Business Tax Occupation Tax Certificate must be posted in a prominent location inside your business.

### ***Special Conditions / Permits/ Other Factors***

#### **Adult Entertainment:**

A license and/or permit is required. These requirements are in addition to the requirements for an Occupation Tax Certificate. *Contact: Finance Department, 375 Satula Avenue, (706) 613-3050, Ext. 2004.*

#### **Alcoholic Beverage License:**

A license and/or permit is required. These requirements are in addition to the requirements for an Occupation Tax Certificate. *Contact: Finance Department, 375 Satula Avenue, (706) 613-3050, Ext. 2004.*

**Food Service or Restaurant Assistance:** *Contact the Clarke County Environmental Health Department at (706) 583-2658 or the Department of Agriculture at (706) 595-3408 or (800) 786-0175.*

**Itinerant Merchant Permit on Private Property:** Vendors who solicit on private property are required to obtain an Itinerant Merchant Permit. Permission from the property owner must also be obtained. *Contact: Finance Department, 375 Satula Ave. (706) 613-3050, Ext. 1004.*

**Itinerant Merchant Permit for an Assigned Designated Location in the Downtown District:** Vendors who solicit on public right-of-way with an assigned designated location are required to obtain an Itinerant Merchant Assigned Location Permit. Designated locations are areas of Athens Downtown Tax District, Baldwin St., Jackson St. or Baxter St. *Contact: Central Services Department, 325 E. Washington St., Suite #350 (706) 613-3050.*

#### **Massage Parlors:**

A license and/or permit is required. These requirements are in addition to the requirements for an Occupation Tax Certificate. *Contact: Finance Department, 375 Satula Avenue, (706) 613-3050, Ext. 2004.*

**Pawnbrokers:** Pawnbrokers are required to pay a regulatory fee to the Finance Department and meet regulations required by the Police Department. *Contact: Police Department, 3035 Lexington Rd., (706) 613-3330 and Finance Department, 375 Satula Ave., (706) 613-3050.*



**Taxi Driver Permits:** A copy of the permit should be submitted with the Business Occupation Tax Application. *Contact: Police Department, 3035 Lexington Rd., (706) 613-3330.*

**Wrecker Permits and Driver Permits:** A copy of the permit should be submitted with the Business Occupation Tax Application. *Contact: Police Department, 3035 Lexington Rd., (706) 613-3330.*



## ***Building Construction and Renovation***

### **Building Inspection:**

The Building Inspection Department should be contacted if your business plans to do any construction, add or change exterior signs. A building permit must be obtained for both new construction and renovations of and additions to existing buildings before construction is started. Once you have obtained a building permit, complied to the regulations pertaining to the area you are in, and construction is complete, your facility will be inspected. You will then apply for a *Certificate of Occupancy*. Without this certificate, it is illegal for your business to reside in the facility. *Contact: Building Inspection Department, 120 W. Dougherty St. (706) 613-3520.*

**Sign Permits:** The Building Inspection Department should be contacted if your business plans to do any construction, add or change exterior signs. *Contact: Building Inspection Department, 120 W. Dougherty St. (706) 613-3520.*

**Fire Marshal Inspection:** Information pertaining to fire inspections should contact the Fire Marshall prior to the opening of the business. *Contact: Fire Marshall, 700College Ave., (706) 613-3360.*

**Hazardous Materials:** Information pertaining to businesses handling hazardous materials should contact the Fire Marshall prior to the opening of the business. *Contact: Fire Marshall, 700College Ave., (706) 613-3360.*

**Georgia Sales Tax Number and Reporting:** Businesses may be required to collect sales tax. If your business collects sales tax you must obtain a sales tax number and file reports with the State of Georgia as required. *Contact: State of Georgia Department of Revenue, Centralized Taxpayer Registration Unit, P.O. Box 74001, Atlanta, Ga., 30334-0001, (404) 651-8651.*

**Federal Tax I.D. Number (EIN):** Businesses desiring to obtain a federal Employer Identification Number (EIN) for reporting purposes such as submitting payroll taxes. *Contact: Internal Revenue Service, (866) 816-2065 or (800) 829-3676.*

**Personal Property Tax Return:** New businesses should file a personal property tax return with the Tax Assessors Office. Returns should be filed by March 1<sup>st</sup>. *Contact: Tax Assessor Office, 325 E. Washington Street, (706) 613-3140.*

**Property Tax Return:** A new business that owns real property should file a property tax return with the Tax Commissioner's office by March 1<sup>st</sup>. *Contact: Tax Commissioner Office, 325 E. Washington St., (706) 613-6130.*

**Application for Freeport Exemption:** Some manufacturing and wholesale businesses can apply for a 100% exemption of inventory under certain conditions by March 1<sup>st</sup>. *Contact: Tax Commissioner Office, 325 E. Washington St., (706) 613-6130.*



**E-911 Information:** E-911 emergency information for your business should be established with the Police Department. *Contact: Police Department, 3035 Lexington Road, (706) 613-3330.*

**Water and Sewer Services:** The Water Business Office will assist you in establishing water utility services to your business. *Contact: Water Business Office: 596 Prince Ave. (706) 613-3500).*

**Garbage Pick-Up, and Recycling:** The Solid Waste Department will assist you in establishing service for garbage pick up, recycling and other solid waste services. *Contact: Solid Waste Department, 1005 College Ave., (706) 613-3501.*



## ***Application, Hiring and Termination Process***

There are basic ground rules to hiring and firing employees. There are legal requirements to acquiring or terminating employees. If handled incorrectly, personnel issues can result in legal problems. These legal problems can be large enough to close your business. It is important to make sure all your bases are covered. In addition to the do's and do not's listed below, contact the Georgia Department of Labor for more on correct hiring and firing policies.

### **Application and Hiring**

#### ***DON'T:***

- *Ask obvious questions.* Do not ask questions regarding sex, age, race, etc. or anything related to these areas. These are sensitive areas and cannot be used as discriminating factors. Some applicants may believe that all gathered information is used. It is for this reason that you should not ask these questions. It is best to avoid these topics so as to eliminate all possibility of legal problems.
- *Write on the job application form.* Any notes taken during interviews should be made on photocopies or other paper. This allows you to preserve the original application without marring it for your permanent records.

#### ***DO:***

- *Limit your interview questions to job duties.* There is no reason to ask questions that do not apply to the responsibilities of the position. You may ask if an applicant has any barriers to completing the duties. Do not ask questions like "Do you have children?" or "Are you married?" Small talk is acceptable if the interviewer is careful. Do not venture into conversation that might produce seemingly discriminatory information.
- *Make sure all company procedures follow employment statutes.* Have your advisors or attorney review your system for application, hiring, and termination procedures before you begin hiring and periodically thereafter.
- **EDUCATE YOURSELF!!!!!!** The best way to prevent problems is to be familiar with the law. When you are in doubt about any issue concerning labor or safety, contact the Georgia Department of Labor. See the Resource Directory for contact information.

### **Termination**

- *Review company policies.* If you have not yet developed company policies regarding application, hiring, and termination, call the Georgia Department of Labor. Make a checklist of your procedures. Make sure that you have followed the rules in the firing process. If you have not completed your checklist, **YOU SHOULD NOT TERMINATE THE EMPLOYEE YET.** Take care to finish all steps in the process to alleviate any questions and possible legal repercussions.



- *Have a stated code of expected employee behavior.* Many employers face problems due to unclear expectations of conduct. It is easier to prove reasons for termination if such a code is in place. This documentation will be helpful if you are faced with paying restitution because it will show that you had sufficient cause to terminate the employee.
- *Conduct an exit interview.* This allows you to tie up any loose ends. Final paychecks can be issued, and company property (e.g. keys, paperwork, and files) can be returned. Ask the employee what he/she liked or disliked about your company. Ask for feedback on aspects of your company of which this person has knowledge. This person might be a bit more forthcoming with problems or constructive criticisms than someone who still works there.
- *Keep termination of an employee between you (management) and the employee.* The fired employee will appreciate your discretion in this matter. Termination should not be discussed with other employees. Privacy can help you avoid harsh feelings and legal repercussions.
- *Have employees sign a release.* If you are offering the fired employee severance pay or anything else of value, have him/her sign a release of liability to the company. This may protect you in case of legal action.

### **Where to Find Your Labor Force**

There are many resources through which one can find employees. The first things that typically come to mind are the classified advertisements in local newspapers. You can place ads in these publications for week-long and even month-long periods. Contact the publication you wish to use for more specific information.

The Georgia Department of Labor is an agency that can assist you in finding employees. For more information on how the Georgia Department of Labor can help you, call 706-583-2550. There are many temporary personnel agencies located in the area that also have access to employees. Consult the yellow pages for a list of these companies.



## ***Business Resources***

**Small Business Development Center (SBDC)**

**[www.georgiasbdc.org](http://www.georgiasbdc.org)**

**706-542-7436**

**East Athens Development Corporation**

**Micro-Enterprise Program**

**[www.eadcinc.com](http://www.eadcinc.com)**

**706-208-0048**

**ACTION, Inc.**

**Micro-Enterprise Program**

**[www.actionincorporated.org/](http://www.actionincorporated.org/)**

**706-546-8293**

**Chamber of Commerce**

**[www.athenschamber.net](http://www.athenschamber.net)**

**706-549-6800**

**Georgia Department of Labor**

**[www.dol.state.ga.us](http://www.dol.state.ga.us)**

**706-583-2550**

**Economic Development Foundation**

**[www.athensbusiness.org](http://www.athensbusiness.org)**

**706-613-3810**

**Athens-Clarke County Human and Economic Development**

**[www.athensclarkecounty.com/hed](http://www.athensclarkecounty.com/hed)**

**706-613-3748**



## ***State Issued Licenses***

### **State Board of Accountancy**

Certified Public Accountant  
Registered Public Accountant  
Foreign Accountant  
Public Accounting Firms

### **State Board of Architects and Interior Designers**

Architects  
Interior Designers

### **Georgia Athlete Agent Regulatory Commission**

Athlete Agents

### **Board of Athletic Trainers**

Athletic Trainers

### **Georgia Auctioneers Commission**

Auctioneers  
Auctioneer Corporations  
Non-resident Auctioneers  
Non-resident Corporations

### **State Board of Barbers**

Master Barbers      Teachers  
Apprentices   Schools / Shops

### **Georgia Board of Chiropractic Examiners**

Chiropractors

### **Construction Industry Licensing Board**

Conditioned Air Contractors  
Electrical Contractors  
Low Voltage Contractors  
Master & Journeyman Plumbers  
Utility Contractors

### **State Board of Cosmetology**

Master Cosmetologists  
Estheticians   Nail Technicians  
Schools / Shops

### **Composite Board of Professional Counselors, Social Workers and Marriage and Family Therapists**

Professional / Associate Counselors  
Master / Clinical Social Workers  
Marriage and Family Therapists

### **Georgia Board of Dentistry**

Dentists  
Dental Hygienists

### **Board of Examiners of Licensed Dieticians**

Dieticians

### **State Board of Professional Engineers and Land Surveyors**

Professional Engineer / Engineer-in-Training  
Land Surveyors / Land Surveyors-In-Training

### **State Board of Registration for Foresters**

Foresters

### **State Board of Funeral Service**

Funeral Director  
Embalmer  
Funeral Home Establishments  
Apprentices

### **State Board of Registration for Professional Geologists**

Professional Geologists

### **State Board of Hearing Aid Dealers and Dispensers**

Hearing Aid Dealers  
Hearing Aid Dispensers

### **State Board of Landscape Architects**

Landscape Architects

### **State Board for the Certification of Librarians**

Librarians

### **Board of Nursing Home Administrators**

Nursing Home Administrators  
Administrators in Training

### **State Board of Occupational Therapy**

Occupational Therapists  
Occupational Therapy Assistants

### **State Board of Dispensing Opticians**

Opticians

### **State Board of Optometry**

Optometrists

### **State Board of Pharmacy**

Pharmacists   Pharmacies



**State Board of Physical Therapy**

Physical Therapists

Physical Therapy Assistants

**State Board of Podiatry**

Podiatrists

**Board of Examiners of Licensed Practical Nurses**

Licensed Practical Nurses

**Board of Private Detective and Security Agencies**

Private Detective Employees

Private Detective Businesses

Private Security Businesses

Private Security Guards

Training Instructors

**State Board of Examiners of Psychologists**

Psychologists

**Georgia Board of Nursing**

Registered Professional Nurses

Licensed Undergraduate Nurses

Advanced Practice Registered Nurses

**State Board of Examiners for Speech Language Pathology and Audiology**

Speech Language Pathologists

Audiologists

**State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers**

Used Motor Vehicle Dealers

Used Motor Vehicle Parts Dealers

**State Board of Veterinary Medicine**

Veterinarians

Faculty Veterinarians

Veterinarian Technicians

**State Board of Examiners for the Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts**

Public Water Supply System Operator (Class I, II, III, IV)

Biological Wastewater Treatment System

Operator (Class I, II, III, IV)

Industrial Wastewater Treatment System Operator

Water or Wastewater Lab. Operator

Wastewater Collection System Operator

**Composite State Board of Medical Examiners**

Physicians / Physician Assistants

Physician Resident-in-Training

Perfusionists

Respiratory Care Professionals

Acupuncturists

Auricular Detoxification Specialists

**State Bar of Georgia**

Lawyers

**Office of the Commissioner of Insurance**

Insurance Agents

**Georgia Department of Agriculture**

Pesticide Applicators

**Real Estate Appraisers Board**

Real Estate Agents

**Office of the Secretary of State - Securities Division**

Stock Brokers / Dealers

Investment Advisers

Charitable Fundraisers

Cemetery / Funeral Service Dealers

**Source:** Georgia Secretary of State website [www.sos.state.ga.us/plb/](http://www.sos.state.ga.us/plb/)



## ***Glossary of Terms***

**Assets** – Resources, owned or controlled by a company, that have future benefits. These benefits must be quantifiable in monetary terms.

**Balance Sheet** – A list of a company’s assets, liabilities, and owner’s equity at a particular point in time.

**Break Even** – The unit volume where total revenue equals total cost; there is neither profit nor loss.

**Capacity** – The amount of goods or work that can be produced by a company given its level of equipment, labor, and facilities.

**Capital** – The funds necessary to establish or operate a business.

**Cash Flow** – The movement of money into and out of a company; actual income received, and actual payments made out.

**Cash Flow Statement** – A presentation of the cash inflows and outflows for a particular period of time. These flows are grouped into major categories of cash from operations, cash investing activities, and cash-financing activities.

**Collateral** – Assets pledged in return for loans.

**Conventional Financing** – Financing from established lenders, such as banks, rather than from investors; debt financing.

**Debt Financing** – Raising money for a business by borrowing, often in the form of bank loans. (See Conventional Financing above)

**Debt Service** – Money being paid out on a loan; the amount necessary to keep a loan from going into default.

**Disbursements** – Money paid out.

**Equity** – Shares of stock in a company; ownership interest in a company.

**Expenses** – Outflows of resources to generate revenues.

**Fixed Costs** – Those costs that are not responsive to changes in volume over the relevant range of time.

**GDOL** – Georgia Department of Labor

**Income Statement** – A matching of a company’s accomplishments (i.e. sales) with effort (expenses from operations) during a particular period of time. (Revenues minus Expenses = Net Income)

**Leasehold Improvements** – The changes made to a rented store, office, or plant, to suit the tenant and make the location more appropriate for conducting the tenant’s business.

**Letter of Intent** – A letter or other document by a customer indicating the customer’s intention to buy from a company.

**Liabilities** – Commitments to pay out assets (typically cash) or to render services for creditors.

**Licensing** – The granting or permission by one company to another to use its products, trademark, or name in a limited, particular manner.

**Liquidity** – The ability to turn assets into cash quickly and easily.

**Market Share** – The percentage of the total available customer base captured by a company

**Net Worth** – The total ownership interest in a company, represented by the excess of



the total amount of assets minus the total amount of liabilities.

**Partnership** – A legal relationship of two or more individuals to run a company.

**Profit Margin** – The amount of money earned after the cost of goods or all operating expenses are deducted; usually expressed in percentage terms.

**Pro Forma Statements** – A financial statement detailing management's predictions.

**Receipts** – Funds coming into the company; the actual money paid to the company for its products or services; not necessarily the same as a company's actual receipts.

**SBA** – Small Business Administration

**SBDC** – Small Business Development Center

**Sole Proprietorship** – Company owned and managed by one person and not established as another form of legal entity.

**Variable Costs** – Those costs that are directly responsive to changes in volume over the relevant range of time.

**Venture Capitalists** – Individuals or firms who invest money in new enterprises.

**Working Capital** – The cash available to the company for the ongoing operations of the business.

