

**Commonwealth of Massachusetts
Town of Cummington**

BUSINESS CERTIFICATE

MGL Ch 262, S34, (20).....Fee \$40.00

Issue Date.....

Business Certificate Expires.....

In conformity with the provisions of Chapter 110, Section 5 of the General Laws, as amended, the undersigned hereby declare(s) that a business under the title of:

Name of business.....is conducted at

Location of Business.....Phone:
(physical address)

Email address:.....

by the following named persons:

Owners Name (s) (PRINT)

Owner Residence Adresse(es)

1).....

1).....

2).....

2).....

Sign Below, only in the presence of a Notary Public.

1).....

1).....

2).....

2).....

A certificate issued in accordance with this section shall be in force and effect for four years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed.

A statement under oath must be filed with the Town Clerk upon discontinuing, retiring or withdrawing from such business. (see other side)

THE COMMONWEALTH OF MASSACHUSETTS

On..... The above-named person(s) appeared before me and made oath
(date)
that the foregoing statement is true.

(seal)

Notary Public

My commission expires.....

FILING A BUSINESS CERTIFICATE (DBA)

(Massachusetts General Laws, Chapter 110, Section 5, 6; 227:5A)

WHAT IS A BUSINESS CERTIFICATE, DBA (doing business as)?

A Business Certificate is a local registration of a business that is conducted within the Town and filed with the Town Clerk, either in person or by mail, in every city/town where a business of any such person, partnership or corporation may be situated. It is commonly referred to as a "d/b/a" (doing business as). The primary purpose of filing is to protect consumers or creditors by identifying the names and addresses of the owners of the business. Essentially, the public has a right to know who "is" a particular business, since a customer will not know who owns the business simply by the name of the business.

NOTE: Additional licenses/permits issued by other town departments or state agencies may be required in order to do business.

WHO MUST FILE?

Any person conducting a business under any title (business name) other than the complete real name of the person conducting the business must file a certificate. A person is defined as an individual, a partnership, or a corporation.

Exemptions to filling are allowed under section 6 if the corporation is doing business in its true corporate name, or if a legal partnership is doing business under any title which includes the true surname of any. Certain other exemptions exist for trusts and limited partnerships.

WHO MUST SIGN THE BUSINESS CERTIFICATE?

If the business is owned solely by one person, only that person needs to sign. If it is a partnership of two or more people (but not a formal legal entity), both or all of the "partners" must sign. If it is a legal partnership, any officer who has authority to sign on behalf of the partnership may do so. If it is a corporation, an officer who has signatory authority must sign – which is usually the President, but not always. All signatures must be made in front of a notary. An individual must be 18 years of age or older to legally sign a business certificate.

HOW LONG IS MY BUSINESS CERTIFICATE GOOD FOR?

Business Certificates are valid for a period of four (4) years from the date of its original filing. They must be renewed every four (4) years for as long as the business is being conducted.

WHAT IF I "GO OUT OF BUSINESS", CHANGE MY RESIDENCE; CHANGE THE LOCATION OF THE BUSINESS OR WANT TO CHANGE THE NAME OF THE BUSINESS?

Change of Residence as listed on certificate, change of location of the business within town (but keeps the same business name), Discontinuance of business, retire or withdraw from conducting business (i.e.: go out of business or move it to another town): You must file a *Statement of Discontinuance* at the Town Clerks office.

Change the name of the business: You must first file a *Discontinuance* and then file a new Certificate for the new business name. You cannot simply change the name of the business as technically you are stopping business in one name and starting business in a new name.

In case of death of the owner of the registered business(d/b/a): A statement may be filed by the executor or administrator of the estate.

DOES THE FILING OF A BUSINESS CERTIFICATE PROTECT ME FROM OTHER USING THE SAME NAME?

No, The protection of a trademark (word, name, symbol or device) in Massachusetts is accomplished through the Secretary of State's Office. (See website below)

WHAT IS THE FEE TO FILE A CERTIFICATE OR STATEMENT?

Filing/Renewal of a Business Certificate– \$40.00 (4 years).

Cash, or a check made out to the "Town of Cummington", are the only accepted forms of payment. If filing by mail, please do not send cash. Credit and Debit Cards are not accepted.

MUST I DISPLAY A COPY OF MY BUSINESS CERTIFICATE?

The law states that copies of your certificate must be available at the address at which the business is conducted, and shall be produced for inspection upon request during regular business hours to any person who has purchased goods or services from such business.

WHAT IS THE PENALTY IF I DO NOT FILE A CERTIFICATE OR STATEMENT?

The law states that violations will be punished by a fine of not more than three hundred dollars (\$300.00) for each month during which the violation continues.

WHERE DO I GET THE FORMS AND HOW DO I FILE?

All forms may be obtained from and filed at the Town Clerk's Office during normal business

hours (Thursdays: 4:00 am – 8:00 pm)

Forms must be notarized.

WHERE DO I GET TAX INFORMATION REGARDING MY BUSINESS?

The Massachusetts Department of Revenue (DOR) can answer all of your questions regarding collecting sales tax or other tax questions you may have. The Taxpayer Assistance Bureau is open from 8:45am – 5pm, Monday – Friday. The toll free number is 1 (800) 392-6089 or (617) 887-6367. The DOR has a publication entitled “A Guide to Sales and Use Tax” which answers the most commonly asked questions about sales/use tax.

You obtain an FID number from the IRS at (800) 829-1040 or (617) 523-1040.

Websites:

Department of Revenue <http://www.dor.state.ma.us/>

Secretary of State's office www.state.ma.us