



Small Business
Development Centers

1st Stop Business Connection
www.development.ohio.gov/onestop
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Starting Your Business In Ohio



Department of
Development



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1st Stop Business Connection

Small Business Development Centers of Ohio
Division of Entrepreneurship and Small Business
Ohio Department of Development
P.O. Box 1001
Columbus, Ohio 43216-1001

www.onestop.development.ohio.gov

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Reasonable accommodations for persons with disabilities will be made if requested at least two weeks in advance. Contact Susan Foltz at 614-752-2587 for assistance.

Starting Your Business in Ohio

BUSINESS PLANNING

The first step in starting a business is creating a business plan. It will help you determine what you must accomplish, acquire and learn before you start a small business. Your business plan will also be used as a tool to access money to start your business. Your plan will tell bankers, suppliers and future employees about your goals, how you plan to run your business, and how much thought you have to put into the process.

Complete the business plan guide that is part of this kit. This guide will help you gather the information you need to create your business plan.

Your local Small Business Development Center of Ohio (SBDC) can help you plan. The SBDCs are staffed by highly trained business advisors who are available to assist you with your business needs. *Counseling is a FREE service!*

Once you contact the SBDC, you will work closely with a business advisor. Your business advisor will regularly review your progress and help you find the answers you are seeking. Center personnel can also recommend short-term training courses to meet your specific needs.

Contact the SBDC nearest you:

Akron	(330) 375-2111	Elyria	(440) 328-2324
Athens	(740) 593-1797	Fremont	(800) 826-2431
Cambridge	(740) 432-6568	Hamilton	(513) 737-6543
Cincinnati – <i>Urban League</i>	(513) 487-6517	Kent	(330) 474-3595
Cincinnati – <i>Clermont Chamber</i>	(513) 576-5000	Lima	(419) 995-8184
Cleveland – <i>Urban League</i>	(216) 622-0999	Marietta	(740) 373-5150
Cleveland – <i>Cleveland State</i>	(216) 875-9715	Mansfield	(419) 525-1614
Cleveland – <i>Hispanic Business Association</i>	(216) 281-4422	N. Philadelphia	(330) 308-7479
Columbus	(614) 287-5294	N. Canton	(330) 244-3290
Dayton - <i>Entrepreneur Center</i>	(937) 281-0118	Painesville	(440) 357-2290
Dayton – <i>Wright State University</i>	(937) 775-3487	Piketon	(800) 860-7232
Defiance	(419) 782-6270	Piqua	(937) 381-1516
		Springfield	(937) 322-7821
		Toledo	(419) 243-8191
		Wilmington	(937) 469-2058
		Youngstown	(330) 941-2140

www.EntrepreneurOhio.org

1st Stop Business Connection

1st Things 1st

Do I need a Business License?

Some states require all businesses to have a generic business license. Anyone who is planning to do business within the State of Ohio, using a name other than their own personal name, must register with the Secretary of State's office.

What forms do I file first?

1. Search the name of your business at the Secretary of State's office. Online database:
<http://www.sos.state.oh.us/SOS/businessServices.aspx>.

2. How will the business legal structure be set up?

- Sole Proprietor – Form #534A
- General Partnership –Form #534A or Statement of Partnership Authority-Form #535
- Limited Partnership – Form #531 (Foreign Limited Partnership –Form #531B)
- Limited Liability Company – Form #533A (Foreign Limited Liability Company –Form #553B)
- Limited Liability Partnership – Form #536 (Foreign Limited Liability Partnership Form #537)
- C-Corporation – Form #532 (Foreign C-Corporation – Form 530)
- Non-profit – Form #532

Forms can be found at: <http://www.sos.state.oh.us/SOS/businessServices.aspx>.

3. Will the company have employees?

If yes register with the following

- IRS – Employer Identification Number
- Ohio State Agencies
 - i. Department of Taxation (withholding)
 - ii. Department of Job & Family Services
 - iii. Bureau of Workers Compensation

If no register with the following

- IRS – Employer Identification Number
- Ohio State Agencies
 - i. Bureau of Workers Compensation

4. All Businesses Register with the Ohio Department of Taxation

- Commercial Activities Tax (CAT)
- Vendor's License

Can be done online at the Ohio Business Gateway: <http://business.ohio.gov>

5. What are the specific licensing or registration requirements for the business?

- 1st Stop Business Connection will select a checklist designed to guide the entrepreneur.
- **Free** Start-Up Business kit is available for at: <http://development.ohio.gov/onestop>

The kit includes a detailed guide in registering with the state and federal government; an outline to assist in writing the business plan; a packet outlining several of the state and federal loan programs; and the phone numbers of the Ohio SBDC Network for the entrepreneur to call for **free** and confidential counseling, as well as local business training programs.

Business Plan Outline

*A business plan is the basic road map to a successful business. This business plan outline will help in developing a formal business plan. Please have a complete business plan when you meet with your **Small Business Development Center (SBDC)** business advisor.*

Cover page

1. **Company Name**
 - Address
 - Telephone number/ fax
 - Email/ website
2. **Chief Executive officer name**
3. **Confidentiality statement**

Table of Contents

- Topic or sections
- Corresponding page numbers

Executive Summary

- Highlight business concept
- Management expertise
- Summarize sales/ profit forecasts
- Purpose of financing

Description of product or service

- Cycle in your business of how operations are conducted
- Explain importance of each product/ service
- Design, style, and trademark possibilities
- Discuss quality and durability
- Address your competitive advantages by product or service
- Point out any research or new technology updates

Industry Characteristics

1. **Brief description of industry**
 - Terms of sales volume
 - Number and size of firms in industry
 - Average profits
 - Growth of industry in relation to growth of the economy
 - Any seasonal or cyclical changes
 - Include any state, federal, or local laws or regulations pertaining to your business

Operations

1. **Business Concept**
 - History (if established business)
 - Evolution of product
2. **Merchandising Plan**
 - Type of equipment or machinery required
 - Will you buy or lease?
 - Means of acquiring necessary equipment

Facility

- Location, size accessibility, zoning
- Special physical requirements
- Hours of operation

Management & Organization

1. Management Background

- Experience/ affiliation
- Strengths
- Education

2. Organization

- Legal structure
- Duties/ Responsibilities/ job description
- Board of Directors Advisors (list)
- Number of employees, current and projected

The Market

1. Market Analysis

- Current and potential customers
- Customer buying motivations
- Target market

2. Marketing Strategy

- Promotion and advertising
- Location
- Image, pricing, and packaging
- Distribution channels
- Selling methods
- Sales goal

Financial

1. Current Condition

- Balance sheets from past three years
- Business Profit and Loss Statements from past three years
- Personal balance sheet for all persons with 20% or more ownership
- Detailed account of start up costs
- Monthly expenses

2. Request for financing

- Amount of money being borrowed stated clearly
- List all potential funding sources including any contributions by the owner
- List what the capital will be used for

Appendix

- All support data such as leases, resumes, contracts, permits, etc.
- Articles of incorporation/ organization, or partnership agreement
- Letters of intent
- Letters of reference
- Technical support documentation

See Page 27 for a full business plan questionnaire. Please contact your local Small Business Development Center (Small Business Development Center) listed on page 3 for direct support and assistance.

BUSINESS NAME & LEGAL STRUCTURE REGISTRATION

All businesses must register with the Secretary of State. In Ohio, there are six main legal structures for businesses: **sole proprietorship, general partnership, limited partnership, limited liability partnership, limited liability company (for profit and nonprofit), corporation (for profit, nonprofit, and professional).**

If your business will be a sole proprietorship you will register your business by filing the **Name Registration** form.

A general partnership has the option to register a trade name or report the use of a fictitious name by submitting a **Name Registration** form or a general partnership may submit a **Statement of Partnership Authority** to provide notice of the partnership. The **Statement of Partnership Authority** requires a **\$125 filing fee**.

A **trade name** cannot be used by any other business. Filing prevents any other business from registering the same name with the Secretary of State. There is a **\$50 filing fee**.

A **fictitious name** is not as protected as a trade name. A fictitious name is registered with the Secretary of State, but anyone can use it. There is a **\$50 filing fee**.

If you will organize your business as a limited partnership, limited liability partnership, limited liability company, corporation, or nonprofit, you will register by filing forms specific to that legal structure. The name of your business will also be secured when you file these specific forms.

If you are a business from outside Ohio, referred to as a **"Foreign Entity,"** you will also need to register your business with the Secretary of State's office if you are transacting business in Ohio.

Name Availability

The Secretary of State's office is the filing agency for business name and legal structure. It does not determine whether the use of a name is legal. If a name is registered as a trade name, the Secretary of State's office will tell you that you cannot use it unless you have the permission of the business with that name.

To check the availability of a name in Ohio, you can search on the Secretary of State's website, or you can call the Secretary of State's Business Services Division.

For any questions or to find out about the availability of a business name in Ohio, call the Secretary of State, toll-free at:

(877) 767-3453

www.sos.state.oh.us

To make sure the name of your business does not conflict with another business, trademark nationally, contact the U.S. Patent and Trademark Office at:

(800) 786-9199

www.uspto.gov

Business Organizational Options in Ohio

CONTROL	LIABILITY	TAX	ADVANTAGE	DISADVANTAGE	FORM(S)
<p>SOLE PROPRIETORSHIP Owned and controlled by one person. Cost: \$50-NAME REGISTRATION</p>	<p>Owner is responsible for own actions as well as employee actions. Owner's personal assets are more open to attack in a legal case.</p>	<p>Taxed only once: Owner reports all income and expenses on personal tax return.</p>	<p>No partnership agreement. Taxed only once.</p>	<p>Personal assets are more open to attack in a legal case.</p>	<p>534A (In-State or Foreign)</p>
<p>GENERAL PARTNERSHIP Owned and controlled by two or more people. Partners share profit, risk and management responsibilities. Cost: \$50-NAME REGISTRATION or \$125- STATEMENT OF PARTNERSHIP AUTHORITY</p>	<p>Partners are responsible for own actions as well as employee actions. Partners' personal assets are more open to attack in a legal case.</p>	<p>Taxed only once: Each partner reports his or her share of partnership income on individual tax return. The business does not pay taxes as its own entity.</p>	<p>Taxed only once.</p>	<p>Partners' personal assets are more open to attack in a legal case. Must have approval of all partners before management duties are transferred.</p>	<p>Register at county recorder's office. Also file state form 534A to register business name. (In-State or Foreign) Or 535 for Statement of Partnership Authority</p>
<p>LIMITED PARTNERSHIP Owned and controlled by at least one general partner and at least one limited partner. General partners manage the business and limited partners just invest money. Cost: \$125</p>	<p>General partners are responsible for own actions as well as employee actions. General partners' personal assets are more open to attack in a legal case. Limited partners are generally responsible for the amount of their investment.</p>	<p>Taxed only once: General and limited partners report their share of partnership income on individual tax returns. The business does not pay taxes as its own entity.</p>	<p>Limited partners' personal assets are generally less open to attack in a legal case. Taxed only once.</p>	<p>General partners' personal assets are more open to attack in a legal case. Must have approval of all partners before management duties are transferred.</p>	<p>531A – In-State or 531B - Foreign</p>

CONTROL	LIABILITY	TAX	ADVANTAGE	DISADVANTAGE	FORM(S)
<p>LIMITED LIABILITY COMPANY Can be organized by one or more person(s). Then, company interests are sold (like shares in a corporation). The people who buy the interests are called members. Unless the members agree otherwise, control of the business is distributed according to how much money each member has invested. Cost: \$125</p>	<p>Members are generally responsible for own actions and actions of the business. But, unlike sole proprietorships and general and limited partnerships, members are not responsible for employee actions simply because they own the business. Personal assets can be attacked, but business assets are taken first.</p>	<p>Taxed only once: Members report their share of business income on individual tax returns. The business does not pay taxes as its own entity.</p>	<p>Members' personal assets are generally less open to attack in a legal case. Taxed only once.</p>	<p>Must have approval of all members before management duties are transferred.</p>	<p>533A -In-State or 533B - Foreign</p>
<p>C-CORPORATION Can be organized by one or more person(s). Then corporate shares are sold. Shareholders appoint board of directors, which appoints officers who carry out corporate policy. Cost: \$125</p>	<p>Shareholders are generally responsible for own actions and actions of the business. But, unlike sole proprietorships and general and limited partnerships, shareholders are not responsible for employee actions simply because they own the business. Personal assets can be attacked, but business assets are taken first.</p>	<p>Taxed twice: Shareholders pay taxes on their earnings. Corporation also pays its own taxes.</p>	<p>Shareholders' personal assets are generally less open to attack in a legal case. Easy to transfer shares.</p>	<p>Taxed twice.</p>	<p>532 (In-State) 530 (Foreign) U-3 IT-1 UCO-1 SS-4 I-9</p>
FORM(S)					
CONTROL7					
<p>LIMITED LIABILITY PARTNERSHIP A Limited Liability Partnership is usually formed by a general partnership that desires limited liability but finds it too difficult to organize as a limited liability company. Businesses do not start out as limited liability partnerships. Cost: \$125</p>					
<p>S-CORPORATION Business must be registered as a C-corporation before applying for S-corporation status from the Internal Revenue Service (IRS). Shareholders pay taxes on their earnings. Corporation does not pay federal taxes. Cost: Free</p>					
<p>536-In-State or 537 -Foreign</p>					
<p>IRS Form 2553</p>					

WHERE TO FILE

Form 534A (Name Registration), *Form 531 A* (Certificate of Limited Partnership) *Form 531B* (Certificate of Foreign Limited Partnership), *Form 533A* (Organization/Registration of Limited Liability Company), *Form 536/537* (Statement of Qualification) *Form 532* (Initial Articles of Incorporation) and *Form 530* (Foreign Corporation Application for license or Registration of Corporation Name) are filed with the Secretary of State.

IRS Form 2553 (Election of a Small Business Corporation) is filed with the Internal Revenue Service.

If your business will hire employees or if your business will be a C-Corporation, you must also file the following forms:

Form U-3 (Application for Workers' Compensation Coverage) with the Ohio Bureau of Workers' Compensation.

Form IT-1 (Combined Application for Registration as an Ohio Withholding/School District Withholding Agent) with the Ohio Department of Taxation.

Form UCO-1 (Report to Determine Liability) with the Ohio Department of Jobs and Family Services.

Form SS-4 (Application for Employer Identification Number) with the Internal Revenue Service.

Form I-9 (Employment Eligibility Verification) Employee File.

This business organizational options chart is for informational purposes only. It is not legal advice. Before starting your business, it is recommended you consult with your attorney.

STARTING A NON-PROFIT ORGANIZATION

Legal Information for Non Profit Corporations (LINC) Ohio <http://www.lincOhio.org> this web site provides over 2,500 internet resources to help non-profit organizations with their legal and management questions.

United Way of Central Ohio, Neighborhood Training Academy, (614) 241-3071 www.uwcentralohio.org

FIRSTLINK, 2-1-1 OR (614) 221-2255 <http://www.firstlink.org/public/training>

*Please note these non-profit organizations offer workshops on how to start a non-profit organization.

If you have questions about a specific form, contact:

Internal Revenue Service
Ohio Secretary of State of Ohio
Ohio Department of Taxation
Ohio Department of Jobs and Family Services
Bureau of Citizenship and Immigration Services

(800) 829-4933
(877) 767-3453
(888) 405-4039
(877) 644-6562
(800) 357-2099 or for the hearing
impaired (800) 278-5732

HOW TO CHOOSE

Independent Contractor or Employee?

You may be considering contracting your extra work or projects out instead of hiring employees. If you do this, you must pay careful attention to three details that the state and federal governments look at to determine if your workers are independent contractors or really your employees. It is important to determine whether your workers are independent contractors or employees so you know if you are liable for workers' compensation, certain taxes, unemployment compensation, etc.

1. Behavioral Control

- Will you direct and control how the work is done?

2. Financial Control

- To what extent will the worker be reimbursed for business expenses?
- To what extent will the worker invest in the facilities or material used to complete the work?
- How will you pay the worker? Weekly, monthly, or when the work is finished?

3. Type of Relationship

- Will there be a written contract describing your business relationship with the worker?
- Will the worker's services be available to other businesses while working for you?
- Will you provide insurance, a pension plan, vacation and sick pay?
- How long will your relationship with the worker last?

Detailed information is available in the IRS's **Employer's Supplemental Tax Guide (Publication 15-A)**. You can also file **Form SS-8 (Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding)** and allow the IRS to determine if a specific individual is an independent contractor or employee.

Internal Revenue Service forms and publications are available by calling:

(800) 829-3676

www.irs.gov

More information about the differences between employees and independent contractors is available from the Ohio Department of Job and Family Services:

PHONE: (877) 644-6562 or

(614) 466-2319

<http://jfs.ohio.gov>

It is recommended you talk with an attorney or an accountant to make a final decision as to the status of your workers.

If you are considering employees, see Section on Employer Requirements on Page19.

TAX REQUIREMENTS

Federal Taxes

To help businesses identify and comply with federal income tax rules, the Internal Revenue Service (IRS) has several toll-free taxpayer assistance telephone lines.

Tax information and notices

(800) 829-4933

Tax forms only

(800) 829-3676

www.irs.gov

Ohio Income Taxes

- **Sole proprietors** must pay Ohio income tax on their Ohio net earnings (income after expenses).
- **Partners** must pay Ohio income tax on their share of the partnership's net earnings.
- **Corporations** must pay Ohio income tax on their net earnings. The shareholders must pay Ohio income tax on their dividends.

Ohio's Commercial Activity Tax (CAT)

- The CAT is a tax on the privilege of doing Business in Ohio, measured by gross receipts received in an annual or calendar quarter time period. The CAT is not a transactional sales tax.
- Most types of business (such as sole proprietors, partnerships, or corporations) with taxable gross receipts of \$150,000 or more in a calendar year will file the CAT.

The CAT applies to:

- Service providers, such as medical professionals, attorneys, and accountants.
- Persons engaged in the sale or rental of any type of property.
- Out-of-state businesses that meet any of the following criteria
 - Have more than \$500,000 in taxable gross receipts in Ohio.
 - Have more than \$50,000 in real or personal property in Ohio.
 - Expand more than \$50,000 in payroll for work in Ohio.
 - Conduct more than 25% of business activity in Ohio.

How to register your business:

- On-line registration is encouraged. Go to the Ohio Business Gateway at <http://business.ohio.gov>. There is only a \$15 fee for electronic registration.
- Paper registration may be done for a \$20 fee. Forms are available at the ODT web site, www.tax.ohio.gov, or by calling 1-800-282-1782
- Combined or consolidated taxpayers pay a maximum registration fee of \$200.
- The registration fee can be applied toward CAT liability in the first return.

Ohio Department of Taxation
General Business Questions: (888) 405-4039
Order Forms: (800) 282-1782
www.tax.ohio.gov

Vendor's License

The Vendor's License is the mechanism that allows you to collect sales tax from your customers and to remit sales tax to the Ohio Department of Taxation. The **Ohio sales tax rate is the state base**. Counties are allowed to **add from .25 percent to 1.5 percent for local sales tax**, so tax rates vary from county to county. For complete sales tax details go to http://www.tax.ohio.gov/divisions/sales_and_use/index.stm

Registration for the vendor's license is available online at <http://business.ohio.gov>.

Certificate of Exemption

The State of Ohio does not issue a sales tax exemption number. A vendor's license number is **NOT** a sales tax exemption number. To claim exemption, you must provide a properly completed exemption certificate to your supplier.

The Ohio Business Gateway (OBG) provides electronic filing services to offer Ohio's businesses, a time and money saving online filing and payment system to simplify business relationships with government agencies. **Go to:** <http://business.ohio.gov>

CONSUMER LAWS

Ohio protects its consumers through the **Consumer Sales Practices Act**. It prohibits deceptive, unfair and unconscionable sales practices.

Deceptive sales practices include:

- Falsely representing the qualities, uses or characteristics of a product or service.
- Indicating a price advantage exists when it doesn't.
- Falsely claiming a product has a warranty.
- Indicating a replacement or repair is needed when it isn't.

Unconscionable sales practices include:

- Taking advantage of a person's illiteracy, disability, or inability to understand the terms of the sale
- Selling goods or services that substantially exceed the usual selling price.
- Selling goods or services when the supplier knows the consumer can't afford them.
- Knowingly selling goods or services to a consumer who is unable to receive substantial benefit from the purchase.

Ohio also has laws that specifically regulate motor vehicle sales and repairs, get-rich-quick schemes, advertising, door-to-door sales, self-improvement programs (such as health clubs, dance studios and dating services), business opportunities, and repairs and services.

**Attorney General's Office
Consumer Protection Section
PHONE: (800) 282-0515
www.ag.state.oh.us**

Information is also available in **Ohio Revised Code Section 1345**
<http://codes.ohio.gov/>

OSHA REQUIREMENTS

Through the Federal Occupational Safety and Health Act, the U.S. Occupational Safety and Health Administration (OSHA) helps assure a safe and healthy work environment.

To help Ohio's businesses meet OSHA requirements, the Ohio Department of Commerce's Division of Labor and Worker Safety, Bureau of Occupational Health and Safety offers on-site consultation. This means a trained specialist will come to your business, at your request, and tell you about potential hazards at your worksite. The service is confidential and you will not be cited or penalized for any hazards found during the consultation. If hazards are found however, you will be expected to correct them.

Requesting a consultation will not trigger an OSHA inspection.

**Ohio Department of Commerce
Division of Labor and Worker Safety
Bureau of Occupational Health and Safety On-Site Consultation Services
PHONE: (800) 282-1425**

You can also request a consultation through the Ohio Department of Commerce's
<http://com.ohio.gov>

Federal OSHA offices can also provide assistance, information and publications to help you understand OSHA requirements.

Federal OSHA Offices

Cincinnati
PHONE: (513) 841-4132

Cleveland
PHONE: (216) 615-4266

Columbus
PHONE: (614) 469-5582

Toledo
PHONE: (419) 259-7542

www.osha.gov

ZONING REQUIREMENTS

If you will start a business in your home or any other out of the ordinary location, please check with your local zoning administration to determine if the neighborhood zoning laws allow for that type of business in that location.

ENVIRONMENTAL REQUIREMENTS

Small businesses, like big businesses, need to know and understand environmental regulations. The Ohio Environmental Protection Agency (EPA) makes sure everyone complies with environmental laws. The agency monitors land, air and water.

You should contact the Ohio EPA while you are still planning your business. The Ohio EPA has programs, such as the Small Business Assistance Program, that help new businesses comply with environmental laws.

Water and Sewer

Before your business connects to a publicly owned wastewater system, the local sewer department must approve it. If your business is constructing a new private disposal system, contact the Ohio EPA for information about regulations.

Hazardous Waste

If your business will create, transport, store, treat or dispose of any hazardous or toxic wastes or used oil, contact the Ohio EPA for information about regulations.

Solid and Infectious Waste

The Ohio EPA regulates the transfer and disposal of non-hazardous solid wastes and scrap tires. Disposal facilities include landfills, compost operations and incinerators. The Ohio EPA also regulates generators and transporters of infectious waste. Contact the Ohio EPA for information about these regulations

Air

All businesses that emit a certain amount of air contaminants must have permits to install and operate the air contaminant source. The Ohio EPA should also be notified if any building areas with asbestos will be demolished or renovated. Open burning of materials is generally not allowed in Ohio.

**Ohio Environmental Protection Agency
Small Business Assistance Office
PHONE: (800) 329-7518
www.epa.state.oh.us**

Other Ohio EPA Resources:

Business Assistance from the Office of Compliance Assistance – available on the Ohio EPA website:

<http://www.epa.ohio.gov/Default.aspx?alias=www.epa.ohio.gov/ocapp>

Small Business Compliance Assistance: <http://web.epa.ohio.gov/ocapp/sb/index.html>

Ohio EPA Permit Wizard: <http://epawebapps.epa.state.oh.us/PermitWizard/jsp/index.jsp>

Publications Catalogue:

http://ohioepapubs.custhelp.com/cgi-bin/ohioepapubs.cfg/php/enduser/std_alp.php

Guide to Environmental Permitting in Ohio:

<http://www.epa.ohio.gov/portals/41/sb/publications/permitguide.pdf>

Self-assessment Guide: <http://www.epa.state.oh.us/portals/41/sb/publications/selfgde.pdf>

Industry Specific Information:

Bakeries: www.epa.state.oh.us/ocapp/sb/publications/bakery.pdf

Carpet Cleaning: <http://www.epa.ohio.gov/portals/41/sb/publications/carpetcleaning.pdf>

Dental: <http://www.epa.ohio.gov/portals/41/sb/publications/dentaloffice.pdf>

Dry Cleaners: <http://www.epa.ohio.gov/portals/41/sb/publications/drycleanerguide.pdf>

Home-based Business: <http://www.epa.ohio.gov/portals/41/sb/publications/wastewaterhomebased.pdf>

Home Health Care: http://www.epa.ohio.gov/portals/34/document/guidance/gd_072.pdf

Motor Vehicle Repair/Painting: <http://www.epa.ohio.gov/portals/41/p2/fact110.pdf>

Motor Vehicle Salvage: <http://www.epa.ohio.gov/portals/41/p2/fact110.pdf>

Power Washing: <http://www.epa.ohio.gov/portals/41/sb/publications/powerwash.pdf>

Restaurant: www.epa.state.oh.us/ocapp/sb/publications/restaurant.pdf

Tattoo Parlor/Body Piercing: <http://www.epa.ohio.gov/portals/41/sb/publications/powerwash.pdf>

Veterinary: http://www.epa.ohio.gov/portals/34/document/guidance/gd_077.pdf

PATENT REQUIREMENTS

The **United States Patent and Trademark Office (USPTO)** is an agency of the U.S. Department of Commerce and issues patents for protection of inventions and trademarks. To receive a patent an application must be filed in the U.S. Patent and Trademark Office. There are three types of applications that may be filed. They are: **utility**, **design** and **plant**. There are **various application fees** depending upon the patent you are applying for.

Utility patents should be applied for by those who "invent or discover any new and useful process, machine, article of manufacture, or compositions of matters, or any new useful improvement thereof."

Design patents should be applied for by those who "invent a new, original and ornamental design for an article of manufacture."

Plant patents should be applied for by those who "invent or discover and asexually reproduces any distinct and new variety of plant."

What is a copyright?

Copyright is a form of protection provided to the authors of "original works of authorship" including literary, dramatic, musical, artistic and certain other intellectual works, both published and unpublished. The 1976 Copyright Act generally gives the owner of copyright the exclusive right to reproduce the copyrighted work, to prepare derivative works, to distribute copies or phonorecords of the copyrighted work, to perform the copyrighted work publicly, or to display the copyrighted work publicly.

The copyright protects the form of expression rather than the subject matter of the writing. For example, a description of a machine could be copyrighted, but this would only protect others from copying the description; it would not protect others from writing a description of their own or from making and using the machine. Copyrights are registered by the Copyright Office of the Library of Congress.

If you have any questions concerning patents or the application process you can contact the United States Patent and Trademark Office or search their website.

Call USPTO toll free at: 800-786-9199
For options when calling Press 1 for general patent/trademark information
www.uspto.gov

U.S. Patent and Trademark Office
USPTO Contact Center (UCC)
Crystal Plaza 3, Room 2C02
P.O. Box 1450
Alexandria, VA 22313-1450

LICENSES AND PERMITS

(Several businesses require a specialized license or permit. Below is a short list of such businesses.)

BE SURE TO REVIEW YOUR CUSTOMIZED "CHECKLIST", INCLUDED IN YOUR KIT, FOR THE TYPE OF BUSINESS YOU WANT TO START.

Accountant or CPA
Architects
Auctioneers
Bar or Pub
Barbers Or Beauty Salon
Boiler Operators
Boxing/Mixed Martial Arts
Check Cashers
Chiropractors
Collection Agency
Counselors & Social Workers
Credit Unions
Daycare
Dentists
Dietitian
Electric Contractors/Installers
Funeral Homes & Embalmers
Hotels
HVAC Contractors
Insurance Agent
Investment Advisors
Liquor Permits
Medical Professionals
Mortgage Broker
Nursing
Occupational/Physical Therapy or Athletic Trainers
Optometrists
Pawn Broker
Pesticides Dealer
Pharmacists
Plumbers
Precious Metal Dealers
Private Investigators
Real Estate Agents & Appraisers
Respiratory Care
Restaurant
Savings & Loans
Security Guards
Speech Pathology and Audiology Services
Stock Brokers
Trucking Business (Inter and Intra-state)
Utilities
Veterinary Medicine
X-ray Equipment

INSURANCE INFORMATION

Insure your business and its assets.

Possible types of coverage for your business:
Computer equipment, vehicles, liability, burglary, etc.

It is recommended you talk with an attorney or insurance agent to ensure that every aspect of your business is covered.

Sample Insurance Checklist

- Liability
- Buildings
- Business Income
- Boiler and Machinery
- Business Personal Property
- Management Protection
- Human Failure
- Employee Protection

Guidance on Ohio's New Smoking Ban

Attention Business Owners: Smoking in Places of Employment or Public Places is Prohibited in the State of Ohio

Frequently Asked Questions

How long has Ohio had a smoking ban?

Voters approved the indoor smoking ban in November 2006, making Ohio the first Midwestern state and the first tobacco-growing state to enact such a ban.

Are any places exempt from the ban?

Under certain conditions, private residences; family-owned businesses without non-family employees; certain areas of nursing homes; outdoor patios; and some retail tobacco stores are exempt.

What are the penalties for violating the smoking ban?

Businesses: Warning letter, first violation; \$100, second violation; \$500, third violation; \$1,000, fourth violation; and \$2,500, fifth and subsequent violations. Note: fines may be doubled for intentional violations at the discretion of the enforcement entity and may be assessed on a daily basis for continuing violations.

Individuals: Warning letter; first violation; \$100, second and subsequent violations.

Retaliation against Complainant: Warning letter, first violation; \$1,000, second violation; \$2,500 third and subsequent violations.

What are their proprietors' obligations under the smoking ban?

They are essentially threefold: prohibit smoking, remove ashtrays and post no-smoking signs with the toll-free enforcement number – 1-866-559-OHIO (6446).

- **Prohibit smoking** in any "public place" or "place of employment." For definitions of a "public place" and "place of employment," please read the definitions at **ORC 3794.01**.
- All "public places" and "places of employment" must post conspicuous signs at each entrance. The signs must be clearly legible and shall contain a toll-free number for reporting violations. ODH has designed two sample signs which, when properly placed, meet the requirements of **ORC 3794.06 (A) Posting of Signs**.

Samples of the proper signs can be found at
<http://www.odh.ohio.gov/alerts/ohiosmokingban.aspx>

Please note: If the no smoking symbol (☹) is used, it must, in accordance with ORC 3794.06A be printed in color.

EMPLOYER REQUIREMENTS

Before you hire any employees, there are many requirements to consider:

Employer Identification Number

A business with employees must complete the federal Application for **Employer Identification Number (Form SS-4)** to receive an Employer Identification Number (EIN). The EIN will be needed when you file taxes.

If your business is a corporation, partnership, or limited liability company, it must have an EIN even if there are no employees. Sole proprietors must also have an EIN to pay wages to one or more employees or if they are required to file any excise tax returns (including those for alcohol, tobacco and firearms). To obtain the EIN file the **Application for Employer Identification Number (Form SS-4)**.

After you submit Form SS-4, your business will receive a **Federal Tax Deposit Book (Form 8109)**. These coupons are used when the business makes deposits of deducted employee personal income tax payments, joint employee-employer social security tax and Medicare payments, and employer payments for Federal Unemployment Tax.

If you have questions about the EIN or would like more information, you can order ***Understanding Your EIN (Publication 1635)*** by calling the IRS at **(800) 829-3676**. Or you can contact the IRS at the number listed below.

Internal Revenue Service
Cincinnati, Ohio 45999-0002
PHONE: (800) 829-4933
FAX: (800) 829-4477
www.irs.gov

Every employee must have a **Summary of the Total Dollars Withheld** for the prior year on a **Form W-2** by **January 31**. The employer must submit **Form W-2** for each employee and **Form W-3** for all employees to the Social Security Administration by **February 28**.

If you have questions about **Form W-2** or **Form W-3** by calling the IRS at **(800) 829-1040** or visit online at **www.irs.gov**

Immigration Law

The United States Immigration Law requires employers to verify that their employees are allowed to work in this country. **Form I-9 (Employee Eligibility Verification)** must be completed for every employee hired. For detailed information, please contact the Bureau of Citizenship and Immigration Services' Office of Business Liaison.

If you have questions about the Form I-9, contact:

Bureau of Citizenship and Immigration Services
Office of Business Liaison
PHONE: (800) 357-2099
National Customer Service Center PHONE: (800) 375-5283
<http://www.uscis.gov/portal/site/uscis>

New Hire Reporting

Federal and state laws require all employers to report all employees who live or work in Ohio. The law was created to improve child support collection and reduce false unemployment and workers' compensation claims.

Employers must report the employee's name, address, Social Security number, date of birth, date of hire, and the state in which the employee works. Employers may submit the information in many ways, including: mailing or faxing New Hire Reporting Form 7048, phoning in the information, or registering on-line. The information must be received no later than 20 days from the date of hire.

For more information, contact:

Ohio New Hire Reporting Program
PHONE: (888) 872-1490
<http://newhire-reporting.com/OH-Newhire/default.aspx>

Wage and Hour

To make sure you are complying with Ohio's regulation of hours, minors and wages, contact the Ohio Department of Commerce. They can answer your questions and supply the required poster.

Businesses that gross more than \$500,000 annually should contact the U.S. Department of Labor for information about the Fair Labor Standards Act. Also, the federal government publishes the pamphlet "**Handy Reference Guide to Fair Labor Standards Act.**" You can request a copy from any local Federal Wage and Hour Office (listed in most telephone books under "U.S. Government, Labor Department, Wage and Hour Division") and found on-line at **www.apps.dol.gov**.

For more information, contact:

Ohio Department of Commerce
Wage and Hour Division
PHONE: (614) 644-2239
www.com.ohio.gov

Ohio Income Tax Withholding

All employers with an office in Ohio or who are doing business in Ohio must withhold Ohio income taxes from their employees' wages each pay period. This applies only to wages paid for work performed in Ohio.

Employers must complete the **Application for Registering as an Ohio Withholding Agent (Form IT-1)** and return it to the Ohio Department of Taxation. After you return the form, you will also receive a coupon booklet to report and pay the tax withheld from your employees' pay. You can also register by phone Monday - Friday, 8:00 a.m. - 5:00 p.m.

If you have questions about withholding taxes or need to request a withholding registration packet, contact:

Ohio Department of Taxation
General Business Questions: (888) 405-4039
Order Forms: (800) 282-1782
Register By Phone: (888) 405-4089 (press #1 after the message)
www.tax.ohio.gov

Unemployment

Employers of one or more workers (other than agricultural and domestic employers, who have special rules) must pay a state payroll tax, called "contributions," on wages paid to employees. These payments support Ohio's system of unemployment compensation benefits.

If you fit into any of the following categories, you must make unemployment contributions:

- Employ at least one worker in 20 different weeks during this year or last year
- Pay \$1,500 or more in wages during any quarter of this year or last year
- Are subject to the federal unemployment law this year or last year
- Acquire a business from an employer who was subject to the Ohio law, or
- Elect to cover employees voluntarily.

To register with Ohio Department of Job and Family Services (ODJFS), complete the Report to Determine Liability.

For more assistance, or to request a copy of the Ohio Unemployment Compensation Guide, contact:

Ohio Department of Job and Family Services

PHONE: (614) 466-2319

<http://jfs.ohio.gov>

Workers' Compensation

Ohio's Workers' Compensation Insurance Fund is a no-fault program designed to protect the employees and employers when a work-related injury, occupational disease or death occurs.

Every employer with one or more employees must have workers' compensation coverage. To begin coverage, employers file the **Application for Coverage (Form U-3)** with the Ohio Bureau of Workers' Compensation (BWC). The BWC also encourages you to apply on-line through their website.

Ohio law makes coverage elective for owners or ministers in one of the following categories: sole proprietor, partnerships, limited liability company (LLC) acting as a sole proprietor, limited liability company (LLC) acting as a partnership, family farm corporate officers, individual incorporated as a corporation (with no employees), ordained or associate ministers of a religious organization. For elective coverage, you must file a U3-S form.

Coverage begins when the BWC receives the completed application and a security deposit. The amount of the security deposit you'll pay is determined by the BWC and based on an estimate of your projected payroll. The minimum security deposit is \$10 and the maximum is \$1,000.

For more information, contact the Ohio BWC at (800) 644-6292
or one of the customer service offices listed below:

Cambridge	(740) 435-4210	Hamilton	(513) 785-4510
Canton	(330) 471-0937	Lima	(419) 227-4116
Cleveland	(216) 787-3060	Logan	(740) 385-9848
Columbus	(614) 752-4538	Mansfield	(419) 529-4528
Dayton	(800) 962-7768	Portsmouth	(740) 353-3419
Garfield Heights	(216) 584-0115	Springfield	(937) 327-1365
Governor's Hill	(513) 583-4403	Toledo	(419) 245-2474
	Youngstown	(330) 797-5010	

You can also request coverage on-line the Bureau of Workers' Compensation website:
www.ohiobwc.com

Ohio Civil Rights Commission

The State's anti-discrimination laws are enforced by the Ohio Civil Rights Commission (OCRC). The laws apply to employers with four or more employees in Ohio. Among the various requirements, employers must post the "Fair Employment Practices" poster in a highly visible area in each workplace. The OCRC also has several publications available at no cost.

WHAT SHOULD BE INCLUDED IN YOUR EMPLOYEE PERSONNEL FILES

When you begin to hire employees, you should be aware of many requirements and regulations that apply to not only taxes, but also protection of personal information and presenting knowledge of your standard business processes, procedures and policies. Below is a list of items you should consider as necessary in your individual employee personnel files. Personnel files should be in a locked cabinet with limited access to personal information in your care.

- Resume and/or application form
- Interview Notes
- Background Check documentation
- Offer Letter with pay details
- I-9 Employee Eligibility Verification
- Copy of Drivers License and additional identification
- W-4 Employee Withholding Request (IRS)
- IT-4 Employee Withholding Exemption Certificate (Ohio and School)
- Form 7048 New Hire Reporting
- Health Insurance acceptance or waiver of coverage
- Delivery receipt for Employee Manual
- Training Record
- Attendance Record
- Quarterly Payroll Reports
- Family and Medical Leave Policy
- Disability Policy

GRANTS, LOANS, AND BUSINESS CERTIFICATION PROGRAMS

GRANTS

- The State and Federal Government ***DOES NOT*** have grants available to start a business at the current time. However, the following website (www.grants.gov), and your local library will be able to provide you with helpful private-sector grant information.

LOANS

- There are several loan programs available for start-up and emerging businesses. You can find information on our website (www.development.ohio.gov), at your local SBDC and in the Business Financing Opportunities document which is a part of your kit.

MINORITY BUSINESS CERTIFICATION

- The Minority Business Enterprise certification program in Ohio is designed to certify minority business, making them eligible to participate in the state's set aside program. Information is available on this program, as well as the application process, at <http://das.ohio.gov/eod/EODMBEOFF.htm> or call (614) 466-8380.

EDGE – Encouraging Diversity Growth and Equity Program

- EDGE is a State of Ohio development program for economically and socially disadvantaged business enterprises. Information is available on this program, as well as the application process, at <http://das.ohio.gov/eod/EDGE/> or call 614-466-8380.

SPECIALIZED RESOURCES

There are advantages to having a business owned by a minority, woman or veteran. The advantages will depend strongly on your target customers. Many large businesses and government agencies have established set-aside programs which set a goal to partner and contract with minority, women and veteran-owned businesses.

MINORITY BUSINESS OWNERS

Minority Business Enterprise Division, at the Ohio Department of Development aids in the creation of an Ohio business environment that is sensitive to the particular needs of minority, small and disadvantaged businesses. The Division offers:

- Minority Contractors Business Assistance Program (MCBAP)
- Procurement Technical Assistance Centers (PTAC)
- Office of Management and Technical Services (OMTS)
- Office of Minority Financial Incentives (OMFI)

For more information visit: <http://development.ohio.gov/dmba> or call: 800-848-1300 ext. 6-5700 or 614-466-5700.

PTAC Program website: <http://development.ohio.gov/dmba/ptac.htm>

Minority Business Enterprise Division
Ohio Department of Development
77 South High Street, 26th Floor
Columbus, Ohio 43216

WOMEN BUSINESS OWNERS

The term "women's business enterprise" (WBE), and its variations, means a business that is at least 51 percent controlled, operated and owned by a woman or women. Large businesses and government agencies look for and may require a percentage of their purchases to be directed to WBE, DBE or MBE contractors. General requirements include:

1. Women owners must be citizens or lawful permanent residents of the State of Ohio and the United States.
2. Ownership. Determination of whether a business is at least 51 percent owned by a woman or women shall be made without regard to community property laws.
3. Control and operation. Factors to consider in determining whether ownership and control:
 - a. Percentage of stock owned in a corporation or capital invested in a partnership;
 - b. Provisions for sharing income and losses;
 - c. Evidence of participation in significantly business policy development and decisions of importance to the business;
 - d. Corporate history indicates that the business is, in fact, woman controlled.

Agencies that certify include:

STATE AGENCIES

Ohio Dept of Transportation
Office of Contracts DBE Services
1980 W. Broad St., Columbus, OH 43223
Phone:
(614) 466-3778

CITY AGENCIES

City of Cincinnati
Office of Contract Compliance
Two Centennial Plaza, 805 Central, Suite 22, Cincinnati, OH 45202
City of Cleveland - Mayor's office of Equal Opportunity
Female Business Enterprises
City Hall - 601 Lakeside Ave., Cleveland, OH 44114
Phone:
(513) 352-3144
Fax: (513) 352-3157
Phone:
(216) 664-4152

City of Columbus
Columbus Regional Minority Supplier Development Council
Business Specialist, 37 N. High St. 4th Fl, Columbus, OH 43215
Phone:
(614) 225-6959

City of Dayton, Attn: Rubye Bouquett
Dayton Human Resource Council
371 W. 2nd St., Suite 100, Dayton, OH 45402
Phone:
(937) 333-1403

City of Elyria
131 Court St., Elyria City Hall, Elyria, OH 44035
Phone:
(440) 326-1400

COUNTY AGENCIES

Cuyahoga County Office of Procurement & Diversity,
112 Hamilton Ave., Room 100, Cleveland, OH 44114
Phone:
(216) 443-7200

Franklin County
Purchasing, County Administration Bldg.,
373 S. High St., 25th Floor, Columbus, OH 43215
Phone:
(614) 462-3750

PRIVATE SECTOR WBE NATIONAL CERTIFICATION

Women's Business Enterprise National Council, 1506 N. Greenville, Suite 230, Allen, TX 75002
(972) 359-0697

National Women Business Owners Corporation, 1001 W. Jasmine Dr., Suite G, Lake Park, FL 33403 (800) 675-5066

REGIONAL TRANSIT AUTHORITIES *(recognize certification from other agencies)*

- Stark Area Regional Transit Authority, 1600 Gateway Boulevard SE, Canton, OH 44707 (330) 454-6132, ext. 520
- Central Ohio Transit Authority, 1600 McKinley Avenue, Columbus, OH 43222 (614) 275-5800
- Queen City Metro, 6 East Fourth Street, Cincinnati, OH 45202 (513) 632-7699
- Toledo Area Regional Transit Authority, P.O. Box 792, Toledo, OH 43695 (419) 245-5213
- Western Reserve Transit Authority, 604 Mahoning Avenue, Youngstown, OH 44502 (330) 744-8431

USEFUL WEBSITES FOR WOMEN IN BUSINESS

The websites listed below will help you find additional resources and networking opportunities for women business owners.

Women Business Owner Organizations in Ohio

www.ywcacolumbus.org - Columbus Area Women's Business Council
www.seohiowin.org - Southeast Ohio Women in Networking – Athens Area
www.alexcdc.com – Women Business Center - Cleveland Office
www.wentoledo.org – Women Entrepreneurial Network – Toledo Area
www.wrcmv.org – Women's Resource Collaborative of Miami Valley
www.cbincubator.org – Women Business Resource Center – Cincinnati Area

State and Federal Programs

www.entrepreneuriohio.org - Small Business Development Centers of Ohio
www.odod.state.oh.us/OSB.htm - Entrepreneurship and Small Business Division
www.development.ohio.gov - Ohio Department of Development
www.sba.gov - U.S. Small Business Administration (SBA)
www.nwbc.gov - National Women's Business Council
www.women-21.gov - Women Entrepreneurship in the 21st Century

National Women Business Owner Organizations

www.nwboc.org - National Women's Business Council
www.witi.org - Women in Technology International
www.womenowned.com - Women Owned Business Database
www.nawbo.org - National Association of Women Business Owners
www.bpwusa.org - Business and Professional Women
www.abwi.org - Alliance of Business Women International
www.wbex.org - The Women's Business Exchange
www.wbenc.org - Women Business Enterprise National Council

Additional Resources for Women in Business

www.digital-women.com - Digital Women
www.iwpr.org - Institute for Women's Policy Research

CERTIFICATIONS

DBE means "Disadvantaged Business Enterprise." This term is used by government agencies and, is not the same as WBE.

FBE means "Female Business Enterprise." This term is used by the City of Cleveland and, is the same as WBE.

MBE means "Minority Business Enterprise." This term is used by government agencies and, is not the same as WBE.

Veteran Business Owners

Across the nation we see a concerted effort to include veteran-owned businesses as an emerging segment of business owners with special programs focused on their needs. In most instances "veteran" includes but is not limited to:

- Veterans
- Service-disabled veterans
- Active-duty service members
- Reservists and National Guard Members

A small business owned and controlled by a service-disabled veteran is a small business that is not less than 51 percent owned by one or more service-disabled veterans, or in the case of a publicly-owned business, that is not less than 51 percent managed in the daily business operations by one or more service-disabled veterans.

USEFUL WEBSITES FOR VETERANS IN BUSINESS

The websites listed below will help you find additional resources and networking opportunities for veteran business owners.

www.entrepreneurohio.org - Small Business Development Centers of Ohio
www.development.ohio.gov/entrepreneurship - Entrepreneurship and Small Business Division
www.development.ohio.gov - Ohio Department of Development
<http://dvs.ohio.gov/> - Ohio Department of Veteran Services
<http://olrs.ohio.gov/asp/veteransTXT.asp> - Military and Veteran Resources
www.sba.gov - U.S. Small Business Administration (SBA)
www.sba.gov/patriotexpress/index.html - SBA's Patriot Express Loan Program
www.sba.gov/aboutsba/sbaprograms/reservists/businessdev/ngr_oh.html - Veteran Business Development Officers in Ohio
www.va.gov - U. S. Department of Veteran Affairs (VA)
www.vetbiz.gov - Veteran Business at the VA
www.navoba.com - National Veteran-owned Business Association
www.osdbu.dot.gov - Office of Small and Disadvantaged Business Utilization
www.Thefranchiseblog4Vets.com - Franchise Blog for Veterans
<http://development.ohio.gov/dmba/ptacservices.htm> - Procurement Technical Assistance Centers
www.backtoworkohio.org - Best Way to Start a Home-Based Business Workshop
www.score.org - Service Corps of Retired Executives - Counselors to America's Businesses
www.mcbap.org - Minority Contractors Business Assistance Program

4. Describe your main competitors. Include your competitors' business names, locations, and how well their businesses are doing.

5. Why do you think customers will buy from you? Include product/service benefits and company strengths. What are the differences between your products/services and the competitors' products/services.

6. How is your product/service priced compared to the competition?
 higher same lower don't know

7. Explain how you decided to price your product/service. Include information about how much you expect your costs to be and how much profit you expect to make.

8. Is there a market (need) for your business? What percentage of the market do you think you will get? Think about the markets past growth (last 3-5 years) and future growth (next 2-3 years).

9. How do you plan to advertise your product/service?

10. How will your product/service reach your target market? These are known as your sales and distribution methods.

11. Describe your future customers, locations, and new products.

PART II. MANAGEMENT

1. Describe your educational background and managerial experience in this type of business. Include all types of related experience. ATTACH A CURRENT RESUME.

2. Do you belong to any trade or business organizations?

3. What management and staff positions have you identified? What duties will they have? What skills do they need? Have you completed the necessary paperwork?

8. What will you use as collateral against the money you will borrow?
 nothing car house or personal real estate
 other (specify): _____
9. Are you willing to give up ownership rights in the company or share ownership? _____
10. Who will be responsible for your debts (your cosigner) if your business fails? Make sure you have consulted with this person. _____