



STATE BOARD OF OPTOMETRY
 2450 DEL PASO ROAD, SUITE 105, SACRAMENTO, CA 95834
 P (916) 575-7170 F (916) 575-7292 www.optometry.ca.gov



APPLICATION CHECKLIST FOR FICTITIOUS NAME PERMIT

To successfully complete this application, you must:

- ___ Include a check with the application fee of \$50.
- ___ Indicate the fictitious name for which you are applying. (Box 1)
- ___ Provide a translation or explanation of any foreign or non-standard English word to appear in the permit name.
- ___ Include **ORIGINAL** signatures of all applicants. (Box 5)
- ___ Mail the **COMPLETED APPLICATION** and supporting documents and fees to the Board of Optometry at 2450 Del Paso Road, Suite 105, Sacramento, CA 95834.
- ___ Take note that fictitious name permits must be renewed annually with a fee of \$50 by January 31 each year. A \$25 delinquency fee will be added for late renewals.

The following are recommendations and for your convenience only. Please check with your local county and the Secretary of State for full instructions:

- ___ Check for similar business names at the following:
 - 1) County Clerk's index of fictitious business names. We encourage you to determine that there is not a similar business name already registered in the county where you want to use your fictitious name.
 - 2) Secretary of State. Check for corporate filings with similar business names at www.sos.ca.gov.

IMPORTANT: The search is your responsibility and not that of the Board. Please be sensitive to other optometric business names in close proximity to your business, in order to prevent legal issues and confusion to the public.

- ___ Register your fictitious business name with the local county government if you have not done so already.

For example: One of the county government requirements is to publish a fictitious business name statement in a local newspaper once a week for four successive weeks with at least five days between each date of publication.

Your county and the Secretary of State's fictitious name requirements are separate from the Board's requirements.

FINAL APPROVAL OF THE FICTITIOUS NAME IS IN THE JUDGMENT OF THE BOARD, WHICH MEANS THAT YOUR APPLICATION CAN BE DENIED IF IT DOES NOT CONFORM TO THE PROVISIONS OF BUSINESS AND PROFESSIONS CODE §3078 AND OTHER SUCH LAWS, RULES AND REGULATIONS AS MAY BE RELEVANT (SEE PAGE 4 OF THIS APPLICATION FOR A LIST).



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CALIFORNIA STATE BOARD OF OPTOMETRY
APPLICATION FOR FICTITIOUS NAME PERMIT

FEE: \$50

Cashiering and Board Use Only			
Receipt #	Payor ID #	Beneficiary ID #	Amount

PLEASE TYPE OR PRINT CLEARLY.

ALL INCOMPLETE OR COPIED APPLICATIONS WILL BE RETURNED.

This application **does not** change your Principal Place of Practice address. If you need to change your address, go to www.optometry.ca.gov to obtain an "Optometrist Notification of Change of Address for Place of Practice" form.

Fee of \$50 is non-refundable. Checks, money order or cashier's check accepted payable to: California State Board of Optometry

1. Fictitious Name Choice:			
State your fictitious name with one letter or space per line. Begin at the top left line and go to the right. Name must include "optometry" or "optometric" with a maximum of 60 letters and spaces. If the name is an acronym or includes abbreviations, foreign words or a name other than your own, please attach an explanation of its meaning. Names of current Fictitious Name Permits in your county may be found in the County Clerk's index of fictitious names, and/or the Secretary of State's corporate filings online at www.sos.ca.gov . It is your responsibility to search for similar business names already in use. BPC §3078 prohibits practicing under a fictitious name that has not been approved and issued by the Board.			
_____ _____ _____			
2. Address of Business Where Fictitious Name Will Be Used:			
Address		City	State
_____		_____	_____
3. Applicants(s) Information:			
List all licensed optometrists who have a financial interest in the business. Do not list employees. * The corporation must be registered with the Secretary of State as a California Professional Optometric Corporation as defined under California Corporations Code §13400 et. seq.			
3a. Applicant 1 (If you place your name here, you will be the primary contact):			
Last	First	Middle I.	OPT License#
_____	_____	_____	_____
Phone#	Cell#	E-mail	
_____	_____	_____	
Is the address in Box 2: <input type="checkbox"/> Your Principal Place of Practice? <input type="checkbox"/> Your Branch Office? Branch Office # _____			
Is the location in Box 2 your: <input type="checkbox"/> Individual (Sole Proprietorship)? <input type="checkbox"/> Partnership (Two or more optometrists with proprietary interest sharing a Fictitious Name) <input type="checkbox"/> Professional Corporation * (Attach proof e.g., copy of the Articles of Incorporation)			
3b. Applicant 2:			
Last	First	Middle I.	OPT License#
_____	_____	_____	_____
Is the address in Box 2: <input type="checkbox"/> Your Principal Place of Practice? <input type="checkbox"/> Your Branch Office? Branch Office # _____			
Is the location in Box 2 your: <input type="checkbox"/> Individual (Sole Proprietorship)? <input type="checkbox"/> Partnership (Two or more optometrists with proprietary interest sharing a Fictitious Name)? <input type="checkbox"/> Professional Corporation * (Attach proof e.g., copy of the Articles of Incorporation)?			

**SUMMARY OF LEGAL REQUIREMENTS FOR
OPTOMETRISTS USING FICTITIOUS BUSINESS NAMES**

BOARD OF OPTOMETRY LEGAL REQUIREMENTS:

By law, any optometrist or optometric corporation conducting business under a false or assumed name in California must first meet a number of requirements before using the business name. The laws pertaining to optometrists practicing under a false or assumed name are explained below.

- It is unlawful to practice optometry under a false or assumed name, or to use a false or assumed name in connection with a licensee(s) or registered corporation unless the Board of Optometry has first issued a Fictitious Name Permit (FNP) for the false or assumed name (Business and Professions Code (BPC) §3078(a)).
- The place or establishment in which the practice is located must be owned, rented or leased by the applicant(s) (BPC §3078(a)(1)).
- The practice conducted at the place or establishment must be wholly owned and entirely controlled by the applicant(s) (BPC §3078(a)(1)).
- The name under which an optometrist or optometric corporation propose to operate must not, in the judgment of the board, be deceptive, harmful or confusing to the public (BPC §3078(a)(2)).
- The name under which the optometrist or optometric corporation proposes to operate must contain at least one of the following designations: “*optometry*” or “*optometric*” (BPC §3078(a)(2)).
- The names of all optometrists practicing at the location designated in the application are displayed in a conspicuous place for the public to see and in any advertising permitted by law (BPC §3078 (a)(3)).
- There are no charges pending against any optometrist practicing at the location that could result in revocation or suspension of their license to practice optometry (BPC §3078(a)(4)).
- **RENEWAL:** Fictitious name permits must be renewed annually with a renewal fee of \$50.00 due on January 31 each year. Failure to renew a fictitious name permit in a timely manner will result in a \$25 delinquency fee added to the renewal fee (California Code of Regulations §1518).

OTHER LEGAL REQUIREMENTS FOR CONSIDERATION:

- Every person who regularly transacts business in this state for profit under a fictitious business name must file a fictitious business name statement in the county where the principal place of business is located not later than 40 days from the time he or she commences to transact such business (BPC §17910 and §17915).
- The filing of articles of incorporation with the state or a fictitious business name statement in the county establishes a rebuttable presumption in that county that the registrant or corporation has the exclusive right to use that business name, as well as any confusingly similar name, if the registrant or corporation is the first to register such name and is actively engaged in a business utilizing the name. The rebuttable presumption shall be applicable until the statement is abandoned or otherwise expires and no new statement has been filed by the registrant (BPC §14411, §14412, §14415, §14416).