

# COQUILLE INDIAN TRIBAL CODE

## **CHAPTER 209**

### **Part 2 – Economic Development**

#### **Assumed Business Name**

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CHAPTER 209

Assumed Business Name

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#### **209.010 Background**

The Tribe and its affiliates engage in business. It is common for businesses to use a public name that is different from their Real and True Name. This Ordinance establishes a process for the Tribe and Tribal Entities (as defined below) to register such Assumed Business Names.

#### **209.020 Jurisdiction: (Reserved).**

#### **209.030 Definitions**

1. Assumed Business Name – one or more words or numerals, or a combination of words and numerals, which an Entity uses to identify itself, but not the Entity's Real and True Name.
2. Business – activity conducted or transacted by or on behalf of an Entity, whether or not such activity is conducted for profit.
3. Designee – a Tribal government employee or official authorized in writing by the Tribal Council Secretary / Treasurer to carry out all or some of the Tribal Council Secretary / Treasurer's duties under this Ordinance.
4. Entity – a for-profit corporation, nonprofit corporation, limited liability company, the Tribal government or a division of Tribal government.
5. Real and True Name – the full legal name of the entity as written on its organizational document (for a corporation, its articles of incorporation, for a limited liability company, its certificate of formation).
6. Tribal Council – the Tribal Council of the Tribe.
7. Tribal Entity – an Entity that is wholly owned by the Tribe, either directly or indirectly, or any Entity that the Tribal Council by resolution authorizes to request an Assumed Business Name.
8. Tribe – the Coquille Indian Tribe.

#### **209.050 Registration of Assumed Business Names**

1. Tribal Entities or authorized agents of Tribal Entities may register Assumed Business Names with the Tribal Council Secretary / Treasurer, or Designee.
2. A Tribal Entity may register more than one Assumed Business Name.

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##### **209.070 Assumed Business Names must be Distinct**

The Tribal Council Secretary / Treasurer or Designee will only register an Assumed Business Name if it determines that the proposed name is distinct from all Assumed Business Names previously registered.

##### **209.100 Return of Assumed Business Name request unprocessed**

A request for an Assumed Business Name filed by an entity other than a Tribal Entity shall be returned to the requester unprocessed.

##### **209.200 Accessing information regarding registered Assumed Business Names**

The Tribal Council Secretary / Treasurer or Designee shall maintain a database of all Assumed Business Name applications and decisions. Any Tribal Entity official may request to view information from this database. A Tribal Entity may authorize a non-Tribal entity to view Assumed Business Name information about that Tribal Entity.

##### **209.300 Filing of an ABN under this ordinance is not required**

A Tribal Entity is not required to file an Assumed Business Name request under this Ordinance.

##### **209.400 Legal Interpretation of Filing**

Filing of an Assumed Business Name request, alone, shall not be construed by any court of competent jurisdiction that a business name was unauthorized prior to such filing.

##### **209.500 Amendment of Assumed Business Name**

Applicant can amend an ABN at any time by filing a request for Amendment of Assumed Business Name with the Tribal Council Secretary / Treasurer or designee.

##### **209.600 Termination of Assumed Business Name**

1. An Applicant can terminate an Assumed Business Name at any time by filing a request with the Tribal Council Secretary / Treasurer or designee.

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2. The Tribal Council Secretary / Treasurer or Designee may cancel an Assumed Business Name if the associated Tribal Entity is dissolved or if its corporate authority is withdrawn or revoked.

#### **209.700 Transfer of Assumed Business Name**

Assumed Business Names of Tribal Entities may be transferred only with the written consent of the most recent Tribal Entity owner of the Assumed Business Name.

#### **209.800 Rulemaking Authorization**

The Tribal Council Secretary / Treasurer, or Designee, is authorized to develop rules to carry out the provisions of this Chapter, including, but not limited to rules for:

1. Requesting, amending and terminating an Assumed Business Name;
2. The development and use of forms related to the Assumed Business Name database;
3. Defining what constitutes a distinct or non-distinct business name; and
4. Accessing information from the Assumed Business Name database.

#### Legislative History Chapter 209 Assumed Business Name

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