Starting a Company from Scratch (Part 1 in a Series)

By: Tyler Hawkes, Attorney at Law

I frequently run into people that are looking to start a business. They have done the legwork on their business plan and are ready to go. With so much at stake, here's a few questions I recommend they ask before launching:

1. Is my business idea legal/Are there applicable government regulations?

State and federal laws cover a variety of business situations including pollution, financing, and employment. This may seem rather obvious, but there may be a reason why no one is doing your business. And I'm not just talking about opening that [casino in Provo](#). Even if you're doing something 100% legal, there are very likely regulations that you need to understand before getting too involved. When in doubt, call a lawyer (Warning: this may be repeated *ad nauseum,* but if people would call before they got in these problems they'd be ok!*).*

2. Is your anticipated place of business up to code?

Every municipality has different requirements and if you're opening up shop to the public, the laws may be even more strict. Make sure you resolve this before opening up or signing a lease. It can help to be on good terms with the zoning commissioner or other city authority in charge. Involve them early and often. In many cities, violations can put you in jail.

3. Is the name I want to use available?

When you are forming an entity to conduct business (to be covered in the next post), you need to make sure the name isn't taken in the state you're organizing in. This is done by doing an [entity search](#). But, your business may also bump against an entity organized in a different state but doing business nationally (sorry [Wolfgang Zweiner](#)). Trademarks, especially registered ones are offered strong protection in the US (The test is explored in laymens detail [here](#)). If you do a Google search and find a similar company with the same, or very similar name, beware. When in doubt, [ask](#).

Stay tuned for the next installment, "The Hows, Whats, and Wheres of Entity Formation."