

# COQUILLE INDIAN TRIBAL CODE

## CHAPTER 209

### Part 2 – Economic Development

#### Assumed Business Name

COQUILLE INDIAN TRIBAL CODE

CHAPTER 209

Assumed Business Name

**Index**

| <b>Subchapter/<br/><u>Section</u></b>  | <b><u>Page</u></b> |
|--|--------------------|
| <b>209.010 Background</b>  | <b>2</b>           |
| <b>209.020 Jurisdiction (reserved)</b>   | <b>2</b>           |
| <b>209.030 Definitions</b>   | <b>3</b>           |
| <b>209.050 Registration of Assumed Business Names</b>                            | <b>2</b>           |
| <b>209.070 Assumed Business Names must be Distinct</b>                           | <b>3</b>           |
| <b>209.100 Return of Assumed Business Name request unprocessed</b>               | <b>3</b>           |
| <b>209.200 Accessing information regarding registered Assumed Business Names</b> | <b>3</b>           |
| <b>209.300 Filing of an ABN under this ordinance is not required</b>             | <b>3</b>           |
| <b>209.400 Legal Interpretation of Filing</b>                                    | <b>3</b>           |
| <b>209.500 Amendment of Assumed Business Name</b>                                | <b>3</b>           |
| <b>209.600 Termination of Assumed Business Name</b>                              | <b>3</b>           |
| <b>209.700 Transfer of Assumed Business Name</b>                                 | <b>4</b>           |
| <b>209.800 Rulemaking Authorization</b>  | <b>4</b>           |

COQUILLE INDIAN TRIBAL CODE

CHAPTER 209

Assumed Business Name

**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.

COQUILLE INDIAN TRIBAL CODE

CHAPTER 209

Assumed Business Name

**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.

COQUILLE INDIAN TRIBAL CODE

CHAPTER 209

Assumed Business Name

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

Approved CY17058 June 8, 2017

Adopted CY17071 July 13, 2017