

How to Start a Small Business In Walker County

A Manual and Reference Guide



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Welcome

Welcome, and congratulations on taking the first step towards owning and operating your own small business. The fact that you are consulting this book is a sign that your business will have a chance to succeed. When it comes to small business development, the most important thing you can do is plan well!

The Walker County community embraces entrepreneurship and we want your business to be successful. But we want you to understand that operating a small business is hard work! It takes dedication, patience, specific skills and adequate funding.

This manual has been compiled the help you in your process of opening a small business. It takes you from a process to determine if entrepreneurship is for you to a discussion on hiring and firing employees and everything in between. Feel free to contact any of the resources that have been listed in this book. It is important to know that these agencies are here to help you and you should not be afraid to ask for assistance.

You may also contact the Walker County Chamber of Commerce at (706) 375-7702 for further assistance or for a referral to an appropriate resource.

Congratulations. Starting you own business is an exciting venture and we wish you much success!

SECTION 1: IS ENTREPRENEURSHIP FOR YOU?

What is an Entrepreneur?

Definitions of an entrepreneur:

1. An innovator. One who recognizes opportunities and organizes resources to take advantage of the opportunity.
2. One who assumes the financial risk for the initiation, operation, and management of a specific business or undertaking.
3. Someone who attempts to profit by risk and initiative.
4. A person who starts a business.

Does this sound like you?

Is Entrepreneurship For You?

There is no way to eliminate all the risks associated with starting a small business. You can improve your chances with **good planning** and **preparation**. A good starting place is to evaluate your strengths and weaknesses as the potential owner and manager of a small business.

Carefully consider your answers to the questions below. Be sure to answer honestly! You are the only person evaluating your responses-just as you'll be the only person responsible for your business.

1. Are you a self-starter? It will be up to you-not someone else-to be successful. You will be responsible for developing projects, organizing your time and following through on details. Think of your past work experiences. Will you be able to do this?
2. How well do you get a long with different personalities? Business owners need to develop working relationships with a variety of people including customers, vendors, staff, bankers and professionals such as lawyers or consultants. Can you deal with a demanding client, an unreliable vendor or an inept employee?
3. How good are you at making decisions? Small business owners are required to make decisions constantly, quickly, under pressure and independently. These snap decisions will often affect the future of your business. Do you feel comfortable doing this?
4. Do you have the physical and emotional stamina to run a business? Business ownership can be challenging, fun and exciting. But it is also a lot of work! Can you face 12-hour work days six or seven days a week if necessary? Are you that committed to making your business work?
5. How well do you plan and organize? Research indicated that many business failures could have been avoided through better planning. Good organization of financials, inventory, schedules and production can help avoid many pitfalls. Are you good at planning an organizing?
6. Is your drive strong enough to maintain your motivation? Running a business can wear you down. Some business owners feel burned out by having to carry all of the responsibility on their shoulders. Strong motivation can make the business succeed and will help you survive slowdowns as well as periods of burnout.
7. How will the business affect your family? The first few years of business start up can be hard on family life. The strain of an unsupportive spouse may be hard to balance against the demands of starting a business. There also may be financial difficulties until the business becomes profitable, which could take months or years. Have you included your family in this decision process? Make sure to have their support!

Self Biz Quiz

Are you the type of person who should open their own business? Take this short quiz and see how you measure up. An assessment scoring sheet follows the quiz. How did you do?

MOTIVATION		Strongly Disagree					Strongly Agree				
1	I constantly see business opportunities or ideas with potential commercial value	1	2	3	4	5	6	7	8	9	10
2	I like growing or building businesses or taking ideas and making something of them.	1	2	3	4	5	6	7	8	9	10
3	I regularly come up with new ideas on doing things better or more efficiently.	1	2	3	4	5	6	7	8	9	10
4	I am able to find solutions to challenges or problems.	1	2	3	4	5	6	7	8	9	10
5	I am able to find the help, assistance or resources I need to be successful.	1	2	3	4	5	6	7	8	9	10
6	I am a dynamic person providing vision, hope and energy to those with whom I work and partner.	1	2	3	4	5	6	7	8	9	10
7	I am a hard-working person. I do what it takes to succeed.	1	2	3	4	5	6	7	8	9	10
8	I am able to adapt to changes and surprises quickly and successfully.	1	2	3	4	5	6	7	8	9	10
9	I am able to successfully manage risk associated with creating and growing a business.	1	2	3	4	5	6	7	8	9	10
10	I thrive on learning. I am constantly seeking new information that can help me with my business.	1	2	3	4	5	6	7	8	9	10
11	I am motivated by success and driven to do well.	1	2	3	4	5	6	7	8	9	10
12	I believe in working with other who can help me make my dream a reality.	1	2	3	4	5	6	7	8	9	10
CAPACITY RELATED TO BUSINESS SKILLS Consider yourself and other members of your management team											
13	Ability to assess market opportunities	1	2	3	4	5	6	7	8	9	10
14	Ability to develop products or services	1	2	3	4	5	6	7	8	9	10
15	Ability to provides products or services	1	2	3	4	5	6	7	8	9	10
16	Marketing and communications capacity	1	2	3	4	5	6	7	8	9	10
17	Fiscal management	1	2	3	4	5	6	7	8	9	10
18	Ability to acquire financial capital	1	2	3	4	5	6	7	8	9	10
19	Personnel or team development and management	1	2	3	4	5	6	7	8	9	10
20	Ability to develop and sustain partnerships	1	2	3	4	5	6	7	8	9	10
21	Quality Control	1	2	3	4	5	6	7	8	9	10
CAPACITY TO NETWORK AND PARTNER											
22	I am comfortable seeking information from others.	1	2	3	4	5	6	7	8	9	10
23	I regularly network to gain information for my business.	1	2	3	4	5	6	7	8	9	10
24	I have an extensive resource network that I am constantly building.	1	2	3	4	5	6	7	8	9	10

25	I am comfortable with partnerships.	1	2	3	4	5	6	7	8	9	10
26	I have two or more partnerships associated with my business.	1	2	3	4	5	6	7	8	9	10
27	I have learned how to heal with the challenges of partnering.	1	2	3	4	5	6	7	8	9	10
SUPPORT FROM FAMILY AND COMMUNITY											
28	I am challenged and happy in my work to build a business.	1	2	3	4	5	6	7	8	9	10
29	There is a good balance between my work and my personal life.	1	2	3	4	5	6	7	8	9	10
30	Family and friends are supportive and encourage me.	1	2	3	4	5	6	7	8	9	10
31	My community is supportive of me and my undertaking.	1	2	3	4	5	6	7	8	9	10
32	My community is actively helping me build my business.	1	2	3	4	5	6	7	8	9	10

SELF BIZ QUIZ-SCORE CARD

Question	Total Point Circled		Value Factor		Points
1-2		X	1	=	
3-12		X	.25	=	
13-21		X	.25	=	
22-27		X	.25	=	
28-32		X	.25	=	
			TOTAL POINTS	=	

Your potential for success in entrepreneurship:

- 0-25 Points Low Potential
- 26-50 Points Some Potential
- 51-75 Points Moderate Potential
- 76-100 Points High Potential

Source of Quiz: Center for Rural Entrepreneurship

SECTION 2: PLANNING YOUR BUSINESS

One Year Plan for Entrepreneurs

Starting your own business is not something to rush into. Careful, advanced planning can ensure the success of your venture. Following is a suggested one-year plan.

ONE YEAR BEFORE START-UP

- Refine your business start-up ideas in writing. Determine exactly where you want to go.
- Decide exactly what business you want to start. Be specific in your business definition. What makes it different, special or unique?
- Assess the impact on your family and personal life. How will this affect your relationships? Will your family support the use of finances and time?
- Begin research. You must determine if there is a need for your product. This research can be performed by students, professionals, or even on your own.
- Build your personal skills by taking formal management/business courses. Contact Northwestern Technical College or Dalton State College to see what is available.
- Meet with the UGA Small Business Development Center for assistance in writing a business plan, mentorship, funding sources and other business start up services. Understand what help is available to you and take advantage of it.
- Contact the Georgia Department of Labor for information on educational seminars regarding labor/safety issues.

SIX MONTHS BEFORE START-UP

- Determine the specific focus of your business. What do you want to specialize in? It is easier to excel at one area than at many.
- Start writing your business plan.
- Define your target markets. Who is your intended clientele? To whom should you aim your advertising?
- Research business and trade organizations. Most areas of business have agencies and organizations set up to facilitate business. Take advantage of what these groups have to offer.
- Start looking for the best location for your business. Do you need little or lots of space? Would your business be better suited downtown or in a rural part of the county? Is a store-front location needed or can you work from your home? Location can make or break a business. Conduct the search on your own, contact a real estate agent, or visit the Entrepreneur Resource Center at www.walkercochamber.com for a list of some available buildings for small business and offices.

FOUR MONTHS BEFORE START-UP

- Name your business. Be careful in deciding on a name and be aware that someone may already be using the name. Have a few back-up ideas. You can check to see if a name is being used by contacting the Georgia Office of the Secretary of State.
- Make a final selection of the business location. Make sure that the location you choose is within your budget and also fits into your business plan. Cheaper rent may cost you more in the long run. Remember: Location, location, location.
- Select outside advisors. This will be a very hectic time. It will be beneficial to have people you can call on to listen to your ideas, problems, and plans and provide feedback. These people should be able to provide you with guidance, constructive criticism, and feedback. They should be people experienced and knowledgeable in business.
- Set up a network of mentors. Select people who can help you by giving you insight and ideas.
- Choose your business' legal form. Will you be a partnership, sole proprietorship, or corporation? Legal form should be chosen very carefully as it can impact your business in many ways.
- Set up bookkeeping, accounting and office systems. How are you going to operate your office? If you are going to keep your own books, make sure your skills are adequate. Will you need to hire a bookkeeper or bookkeeping firm?
- Seek outside demographic information on your targeted customer base. Gather secondary information.
- Continue working on your business plan.

THREE MONTHS BEFORE START-UP

- Determine your cash needs. How much money do you need for your start-up? What will be your monthly variable and fixed costs? What is your break-even point? These are all questions that must be answered. You must estimate your cash flows.
- Review preliminary financial objectives. How much profit do you expect to make? Are you planning on making investments? What is your intended cash flow?
- Decide on your pricing strategy. After determining your variable and fixed costs, decide what your markup rate will be. You will also need to consider demand and competitive factors in setting your price.
- Forecast sales. Reconnect with the SBDC or others in your field to help you forecast accurately.

- Determine your company's employee needs. How many people do you need on your staff? This is important to decide as it effects your requirements for insurance, cash flow, etc.
- Project your cash flow. Write out an estimated statement of all revenues and expenditures. This statement should cover one calendar year. Also project your net cash flow for the entire year.
- Have a logo designed and begin preparing your letterhead, envelopes, business cards and other collateral as needed.
- Begin a website design and purchase a website hosting plan.
- Continue working on and refining your business plan.

TWO MONTHS BEFORE START-UP

- Prepare your marketing plan. How are you going to market your product and how much will it cost? Are you going to use publicity? Are you going to use paid advertising? You must decide how you will go about introducing your business to the public.
- Get your business license. (See *Occupational Tax*)
- Review non-financial objectives (public image, legal questions). How do you want the public to see your business? Are you a family establishment or geared towards adults? What form is your business taking? Do you have all legal documents needed?
- Prepare a preliminary balance sheet. Contact the SBDC again for assistance.
- Secure necessary financing. Whether through a private lender or through other sources, you must obtain the necessary amount of start-up capital.
- Secure insurance coverage if applicable. (See *Labor/Safety*)
- Determine advertising, promotion, and public relations strategies.
- Order opening inventories. Talk to your suppliers for estimated opening needs.
- Complete improvements to your facility or home office.
- Start your hiring process. (See *Labor/Safety*)
- Refine your business plan.
- It is suggested that you not proceed with the following steps unless you have received a firm commitment for all necessary funds.

ONE MONTH BEFORE START-UP

- Fine tune your cash flow budget
- Schedule and prepare for your grand opening. The Walker County Chamber of Commerce can be of assistance in planning your event. Be creative but practical. Send out invitation utilizing your new logo.
- Consider delaying your official grand opening/ribbon cutting until you have been in business for a couple of weeks. This will give you a chance to work out all of the “kinks” and make sure things are running smoothly.
- Set up your office, display areas, etc. Have everything exactly as you want it. The last few days before opening are not the time to do this. The look of your store or office sets the tone for your business. You should put thought and time into it.
- Review your final checklist.
- Hire your staff. (See *Labor/Safety*)
- Make sure everything works. It is better to find out that your equipment does not work in advance. In that case, you can make any necessary repairs and be ready to open your doors on time.
- Join the Chamber of Commerce to ensure your business is seen by others. The Chamber will publish your new information as well as a picture of your ribbon cutting in its bi-monthly magazine *Chamber News*. Make plans to attend upcoming membership luncheons. Remember: Word of mouth is your most powerful publicity! It’s also the least expensive, so start spreading the word!
- Implement marketing, promotion, and opening plans. This will be a good time to start advertising in local newspapers, radio, and television if your budget permits.

START-UP AND AFTER

- Budget your time. As a new business owner your time will be precious. Schedule your time wisely. It is important to get the maximum out of time you have available. You might consider reading some time management materials or speaking with someone who you think manages time wisely.
- Continuously update your product/service. What is good about your product? Make it better. What doesn’t work with your product? Eliminate the problem as much as possible. If people patronize your business for the original product, an improved product can only increase that.
- LISTEN to your customers, advisors, and vendors. The customers are your cash flow. It is important to gather their opinions and put them to use. Their ideas can be helpful in updating your product. LISTEN to your advisors. You asked them to advise you for a reason. Let them guide you. LISTEN to your vendors. These vendors have been in the

business much longer than you have. They can possibly provide you with money-saving or money-making ideas.

- Check cash flow budget against actual performance.
- Maintain good communications with your bankers and vendors. By keeping the lines of communication open you are helping yourself. Should you need their help in the future, you will be more likely to receive it.
- Continue to improve the 5 C's of credit (Character, Collateral, Capacity, Capital, and Condition).
- Work with investors. Make sure you are in contact with them. Make sure that you understand the conditions of your repayment. When are payments due?
- Make sure you fulfill all obligations to investors. You may need to call them again someday.
- Check cost of living budget. If you are drawing money from the company for living expenses, be sure to take only what is necessary. Stick tightly to your budget.
- If you have delayed your grand opening or ribbon cutting, consider hosting it now.

Your Business Plan

A business plan defines your business in precise terms, identifies your specific goals, and serves as your firm's resume. The basic components of a business plan include:

- An introduction and overview of the business
- The skills and experience of the business owner
- Details on the products or services offered
- An analysis of the potential market for those products or services
- Specific information that sets the business apart from the competition
- Information on how the public will learn about the business
- An income statement and cash flow analysis for the business
- Details on how the business will be managed on a day-to-day basis
- A summary of why the business is likely to be successful

The business plan helps you organize your thoughts and plans for the business and requires you to formalize and commit to those plans. It helps you allocate resources properly, handle unforeseen complications, and make good business decisions, while staying focused on the entity's goals. The plan can also be used to inform sales personnel, suppliers, and others about your operations and goals and portray your professionalism.

Business plans are used to keep invested parties (yourself, your partners and/or investors) informed about the company's operations and goals. Perhaps most importantly, a business plan will be a crucial part of any business loan package. It provides specific and organized information about the company and can explain how a loan will eventually be repaid.

The following outline provides more details of a typical business plan and can serve as a guide. You should adapt it to your specific business. Breaking down the plan into several components helps make drafting it a more manageable task.

Introduction

- You should give a detailed description of the business.
- Outline the business goals.
- Discuss the ownership of the business and provide the legal structure.
- List the skills and experience that you personally bring to the business.
- Discuss the advantages you and your business have over your competitors.

Marketing

- Discuss the products/services offered.
- Identify the customer demand for you product/service. Who will buy it any why? What are your sources for this information?
- Identify your market, its size and locations. How far will people come for your service?

- Can they buy it online? What are the ages, income ranges or other demographic information of your primary customer? Is your primary customer male, female, retired, teenaged, rich, poor, educated, uneducated, a veteran, a homeowner? Do they drive a car? Do they go to a gym? Define your customer and determine how many of those potential customers are in your area.
- Explain how your product/service will be advertised and marketed.
- Explain the pricing strategy. How much will you charge and why?

Financial Management

- Explain your source of initial funding and the amount of the initial equity capital.
- Develop a monthly operating budget for Year One.
- Develop an expected return on investment & monthly cash flow for the first year. If someone lends you money, how soon will they be paid back?
- Provide projected income statements and balance sheets for Year One and Year Two.
- Discuss your breakeven point. At what point will you have recovered your own initial investment in the business, and at what point will other funders recover their investment?
- Explain your personal balance sheet and method of compensation. How will you pay yourself? How often and how much?
- Discuss who will maintain your accounting records and show they will be kept.
- Provide “what if” statements that address alternative approaches to any problem that may develop.
- Some lenders may ask that you provide a tax return for the previous year.

(Templates for these financial statement may be found at www.score.org/template_gallery.html)

Operations

- Explain how the business will be managed on a day-to-day basis.
- Discuss hiring and personnel procedures. How many employees do you need? Will they be full time or part time?
- Discuss insurance, lease or rent agreements, and other issues pertinent to the daily operation of your business.
- Account for the equipment necessary to produce your products or services.
- Account for production and delivery of your products and services.

Concluding Statement

- Summarize your business goals and objectives and express your commitment to the success of your business.
- Once you have completed your business plan, review it with a friend or business owner/mentor. Make an appointment to review it with the local representative of the SBA.
- When you feel comfortable with the content and structure, make an appointment to review and discuss it with your lender. The business plan is a flexible document that should change as your business grows.

Source: www.sba.gov

There are many online sources that can also guide you on your business plan. Some of these include:

- www.sba.gov/starting_business/planning/writingplan.html
- www.sewbc.com/bplan.asp
- www.cvtcollege.org/BE_Center/BusinessPlan.html
- www.score.org/template_gallery.html

Common weaknesses in a Business Plan

Appalachian Community Enterprises offers the following suggestions as to what will make a business plan, as part of a loan application, weak. Do not let any of these happen to you!

1. Typos and spelling errors.
Your plan doesn't have to pass muster with an English teacher, but it should be presented professionally. Spell check and have a friend proof the final version of the plan carefully.
2. Unrealistic cash flow projections.
Credible financial forecasts are very important. Be conservative with your estimates. Use footnotes to show how you arrived at those figures. Don't underestimate the difficulty in growing a business. Remember to include an owner's draw in your projections. Ask for help.
3. Unidentified competition.
Every business has competition. If you say yours doesn't, look again. Sometimes competition is not a literal business but a competing concept in the larger marketplace. For example, you may own the only dry cleaning business in town, but if the trend is higher for at-home dry cleaning methods then your business could suffer.
4. Unidentified market niche.
If you say your product or service is for everybody, think again.

Feasibility & Marketing Strategy

IS YOUR BUSINESS IDEA FEASIBLE?

Now that your business plan is complete and you have really thought through your business processes, answer the following questions regarding your idea. Give complete, well thought out answers to these questions. If you are unsure about or answer no to any of the following questions, then you may want to rethink your business idea or do more research.

What type of business do you plan to start?

What kind of product or service do you plan to offer?

Does this product or service already exist elsewhere, or is it unrepresented in your area?

Why will your product or service be more attractive than the competition? Will your price be lower, location better, quality higher or selection greater? How do you know?

RESEARCHING THE MARKET

You should thoroughly research the potential market demand for your product or service. First, determine what questions you need answered. (Samples of some of these questions are at the end of this section.) The following are ideas on where to find the information you need.

Primary Data:

Primary data is partially based on your experience and the experience of others, but you should also interview:

- Potential customers: survey these customers to determine their needs and desires.
- Similar businesses: network with other small businesses in your area. Ask permission to observe the business owner as he or she works. After the observation, be sure to take time to sit down and do an interview these business owners.
- Suppliers, vendors and bankers

Secondary Data:

- Visit your public library to conduct additional research on the business category you are focused on.
- Contact trade associations related to the business you want to open (i.e. trade shows and trade journals that relate to kitchen and bath design, software development, catering or whatever type of business you plan to open). If you don't know the relevant trade associations, ask the SBDC for advice.
- Contact the SBDC, Walker County Chamber of Commerce or the Northwest Georgia Joint Development Authority to find out what other data might be relevant and available. See the Resource Directory in the back of this booklet for contact information.
- Use various search engines on the Internet (i.e. Google, Yahoo, MSN, etc.) to look for information on your business category.

Marketing Your Business

In order to properly market your product, you need to answer the following questions. This information can be used to help you develop your marketing plan. Contact the SBDC for more information on constructing this plan. Additional resources can be found at www.entrepreneur.com/howto/mktngplan.

Who are my customers? (This determines your target market):

Where are my customers located?

How many potential customers are there? (This indicates your market size):

What are the needs of those customers?

Who are my competitors?

How does my competition do it? (One method of marketing/dealing with competition is the end-run strategy. In this strategy you adopt your competitors' strategy with the intention of making it better):

How can I reach my potential customers with my product or service? (Remember, the distribution of your product is very important. Where your product is located can affect how well it sells):

How much will my customers pay? (The pricing of your product is also very important. You must take into consideration what your competitors charge, and you must also take into consideration your own costs and operational expenses):

What are the market trends? (What are people buying? It is important to be aware the market trends. This relates back to knowing your customers' needs. Try to distinguish between trends and fads):

What are the technological trends? (One obvious answer to this question is the Internet. Will you be using technology? How can it be used to help your business? Do you need to advertise on the Internet? Do you need a network of computers for your business? If you are in a business related to technology, it is imperative that you stay abreast of any changes):

Demographic Information

A variety of free demographic information is available on the Internet or through the Northwest Georgia Joint Development Authority (NWGAJDA). This information breaks down population by different categories such as age, sex, race, income and education. It can be used to help identify the number of people who may use your business or service. Some examples of these online sources of information include:

- Official statistical information produced by the Federal Government: www.fedstats.gov
- U.S. Census Bureau: www.factfinder.census.gov or quickfacts.census.gov
- Georgia Department of Community Affairs: www.dca.state.ga.us
- www.georgiafacts.net
- Georgia Power Community Profiles: <https://grc.southernco.com/GPEDC>
- City-Data.com: www.city-data.com/county/Walker_County-GA.html
- Georgia County Guide: www.georgiastats.uga.edu
- Georgia 2000 Information System: <http://ga2000.itos.uga.edu>

To receive local demographics from the NWGAJDA, contact:

Northwest Georgia Joint Development Authority

10052 Highway 27 North
Rock Spring, GA 30739
Telephone: (706) 375-5793
Email: info@nwgajda.com

Determining Cash Needed to Start a Business

Use this worksheet to help determine how much money you will need to start your business.

Estimated Annual Sales _____

(This is the YEAR ONE goal you have set for yourself. Use this number as a basis for estimating the amount you'll need to spend each month in order to meet this goal.)

Estimated Monthly Expenses

- Salary of Owner/Manager (You) _____
- All other salaries/wages (additional staff) _____
- Rent (building AND equipment) _____
- Advertising per month _____
- Monthly office expenses (supplies, etc.) _____
- Telephone and Fax _____
- Computers and Internet Service _____
- Utilities _____
- Insurance _____
- Taxes (including Social Security) _____
- Maintenance/Repairs _____
- Legal/Professional Fees _____
- Loan Repayments _____
- Miscellaneous _____

Line 1: Subtotal of Monthly Expenses

Line 2: Start-up Cash Needed

(Multiply Line 1 by the number of months in which you do not anticipate having enough income to fully cover your operational expenses for a month. If you estimate that time to be three months, multiple Line 1 by 3. If you estimate that time to be six months, estimate Line 1 by 6. Remember to allow time for building a customer bases, performing the services or selling the product, and time to collect payment from clients.

One Time Start-up Costs

(To determine these amounts, get specific estimates from suppliers, contractors, professionals and/or government authorities to ensure accurate amounts.)

- Fixtures & Equipment _____
- Decorating & Remodeling _____
- Installation of Fixtures/Equipment _____
- Starting Inventory _____
- Deposits for Utilities _____
- Startup Legal/Professional Fees _____
- Business Licenses & Permits _____
- Advertising/Promotion for Opening _____
- Other _____

Line 3: Subtotal of Startup Costs

Line 4: Total Estimate of Cash Needed for Startup

(Add together Lines 2 and 3 to get this amount.)

Line 4 equals the amount of cash you need on hand to start your business and be successful. If you don't have easy access to this amount of cash flow, you need to consider a small business loan or other funding. Talk to your local SBDC office for further assistance.

Financing Information

If, in the “Determining Cash Needed to Start a Business” exercise on the last page, you determined that you need assistance with your startup costs, you will need to consider where to obtain that capital to back your venture. Most startup businesses require a capital contribution by the entrepreneur, usually 20 percent. The remaining financing may be available from local banks or may require private investors.

Loans are also available by the SBA, all of which require local bank participation and are not guaranteed, but subject to the SBA’s current budget. These loan programs include:

SBA Express Loan.

This program provides financing for small businesses such as start-up, construction, home based, internet, or an existing businesses looking to expand. The maximum loan is \$25,000. These loans are for working capital.

SBA Guaranteed Loan Program 7(A).

This program provides financing to small businesses through guaranteeing a percentage of the bank’s loan to the business. Eligible expenditures are for land and building, machinery and equipment, working capital, and some restructure of existing debt. The maximum SBA will guarantee is \$750,000 and not more than 75% of the total loan.

SBA 504 Loan Program.

This program provides financing for small business through a low interest, fixed rate, long-term loan. The Small Business Administration takes a second lien position behind the bank. Eligible expenditures are for land and building, long-life machinery and equipment. The minimum SBA will finance is \$125,000, and the maximum is \$1,000,000. Job creation is a requirement of the program.

SBA Low Doc Loan.

This program provides financing from small businesses through guaranteeing a percentage of the bank’s loans to the business. The maximum loan is \$150,000 and not more than 80% guarantee. The loan administered by the bank is termed “Low Doc” because documentation has been greatly reduced and red tape is at a minimum. Eligible expenditures are for land and building, machinery and equipment, inventory, and working capital.

While each of these programs has specific requirements for eligibility, there are certain standards that must be met for all loan programs. A loan applicant must be of good character; show the ability to operate a small business successfully, and have a reasonable amount of his/her own resources to invest to withstand possible losses. In addition, the following will likely be required:

- Credit Report
- Collateral adequate to secure the debt. List of collateral and its value
- Appraisals required on real property used as collateral
- Personal guarantees required of those persons (or companies with 20% ownership)
- Secondary collateral may be required
- Personal financial statements & financial statements of business (if applicable)

HOW TO APPLY (SBA LOANS)

You must first seek financing from a bank or other private source. If financing is available at reasonable terms, the SBA cannot make the loan. Take your business plan to your banker and discuss your financial requirements with him/her. His/her involvement is essential. Then, call the Small Business Development Center at (706) 272-2707 to discuss the project's eligibility for SBA assistance.

Appalachian Community Enterprise, Inc. (ACE) also has loans that are available to communities in the North Georgia region, including Walker County. The loan programs that are available include:

Individual Business Loans

- Loans \$500 to \$50,000
- Qualifying businesses include existing businesses and start up businesses relevant experience, and equity. Startup businesses require alternate source of income.
- Collateral is required to secure the loan.

Credit Start Loans

- maximum loan amount of \$500
- For entrepreneurs with no established credit and want to establish their 1st trade line on their credit report

Pronto Loans

- Loans from \$500 to \$5,000
- Existing Business (at least 6 months in business) with business checking account
- Good payment history required and a propensity for bankruptcy score over 500
- Disbursement of the loan within 24 hours

Auto Loans

- Loans from \$1,000 to \$15,000
- For business owners who need a vehicle for work related purposes
- Vehicle is collateral for loan
- Must provide proof of income, home address, current drivers license and minimum required auto insurance
- Check for auto will be directly cut to the auto seller from ACE with the agreement that the title will be delivered to ACE with ACE as the lien holder

HOW TO APPLY (ACE LOANS)

To apply for a loan from ACE, visit http://www.ace loans.org/get_a_loan.html to access the loan application. Instructions to submit the application are on the website. Once submitted, you can expect to hear back from an ACE representative in two business days.

STEPS TO MAKE YOUR LOAN PROPOSAL STRONGER!

In today's financial environment, banks have plenty of cash to lend but find themselves in a regulatory squeeze requiring that they issue loans only to the best applicants. "Best" is defined as being closest to zero risk. Gone are the days of the "character" loan to help you get over a crunch or a "confidence" loan to fuel projected growth. If you are going to obtain a business loan, you need now, more than ever, to do your homework. Do not try to take shortcuts with your friendly loan officer. Cover all the bases your first time out!

This is a quick list of seven common errors or omissions found in failed loan requests.

1. Many applicants have not prepared the required documentation to support the loan proposal. The most common is the omission of a sound business or strategic plan. Not every business loan requires a business plan, especially if the business has a history of a strong cash flow. However, most banks require existing businesses to produce two or three years of financial projections along with a description of the project and history of the business. A new business will need a full business plan to explain the cash requirements and management issues of the business. For existing and new businesses, if a loan officer asks to see a three-year plan and it is not available, management looks bad.
2. Many small business owners actually go to a bank not knowing how much money they need to borrow. Nothing is more frustrating to a lender when he or she hears, —Well, how much can I get? Always be specific about the loan amount and provide a detailed schedule showing how you intend to use the borrowed money and clearly demonstrate the need. Do not borrow more than you need.
3. If you do not document how you intend to pay the loan back, the deal is dead. Ordinarily, business loans must be paid back through continuing cash flow. To demonstrate repayment, three years of Historical Statement (Balance Sheet and Profit& Loss) are mandatory. Cash flow projections showing the impact of the loan for the first 12 months are a must. Make sure your financials are credible. Poorly prepared statements, especially internally prepared statements, are the kiss of death.
4. Many applicants are not realistic about how much and what type of asset-based collateral is needed to put their request over the top. Don't expect to obtain a long-term loan (five years +) secured by inventories or receivable (current assets). You must be prepared to reach into your personal net worth and put up the hard stuff, mostly real estate. If you show reluctance to offer what you have, —doubt about your confidence and commitment to the enterprise creeps into the application and the process gets tougher. Don't overstate the quick sale value of collateral; be realistic. Eventually, you will have to get appraisals, and if they come in short, you will have wasted everybody's time.
5. Aggressive tax strategies that result in no year-end tax obligations because no profit is claimed by the firm will result in no evidence of repayment ability in your application. Federal tax returns, both personal and business are the final determinant of company performance and management integrity. Always claim 100 percent of your income, and whatever you do, don't plead to your banker, —It's done all of the time. You've just revealed that there is a huge contingent tax liability looming out there that could result in the business being closed when you're sent —up the river.
6. You should not ask the bank to do it all. Some applicants neglect the net worth component of the balance sheet. If the loan request puts the bank in over four times your

net worth, the application is on shaky ground. High debt compared to your stake in the business gives the bank excessive control over the operation, and they don't want to own your company anyway. Keep things reasonable in owner's draw or officer's salary. Don't raise the possibility that the company is being milked. Before you submit your loan application, go to the library or go to your local SBDC and find the latest edition on the Robert Morris and Associates' (RMA) Annual Statement Studies. The Statement Studies contain composite balance sheets and income statements for more than 360 industries. This is valuable information for comparing your company to the industry, and more than likely your banker will evaluate your business based on this book or another similar source such as Dun and Bradstreet.

7. Don't be reluctant to tap into the vast amount of help to get a first class loan proposal pulled together. A good loan package or accountant will charge for this service, but it will be money well spent if you're not sure you can tackle the job yourself. This statement is especially true if government programs are involved, i.e. the U.S Small Business Administration. Preparing and submitting a business loan proposal can be a complex process, but with a common sense attitude and help from the Small Business Development Center, it will be a fruitful experience. Banks are in the business of lending money; keep that in mind. If you get turned down, keep on trying. Your project may be the perfect loan for a banker down the street.

Source: Tony O'Reilly, Executive Director of the Small Business Assistance Corporation in Savannah, Georgia.

Small Business Development Center

The UGA Small Business Development Center is an excellent resource for small business counseling and advice. The regional office for the Walker County area is at Dalton State College and can be reached at:

The University of Georgia SBDC
Continuing Education Bldg., Rm. 309
550 North College Drive
Dalton, GA 30720
Telephone: (706) 272-2700
Website: www.georgiasbdc.org

The SBDC website has a lot of great resources that are absolutely free of charge. At SmallBizU, you can make your way through online tutorials regarding financials, management, marketing and more. These tutorials were created based on actual small business operations, not a textbook. To access these tutorials:

1. Go to www.georgiasbdc.org
2. Select "Classroom Training" on the left-side menu
3. On the next page, scroll to the bottom and select "Click here to start a SmallBizU course"

SECTION 3: SETTING UP YOUR BUSINESS

Legal Aspects of Starting a Business

**Disclaimer: The following is provided for informational purposes only. It is not legal advice. You should consult with an attorney for legal advice.*

Deciding what form of legal entity your business will take is an important decision. This will have an impact on the future of your business including your protection under the law, and the rules and regulations (for example: federal and state taxes) that will apply to you. It is recommended that you contact an attorney, CPA, or other qualified individual before you enter into any of these four forms of business. Speaking with someone informed about the legal entities of business will reduce the risk of mistakes in the business set-up. You can probably do the necessary paperwork and procedures yourself, but it makes sense to leave it up to the professionals. Also, contact the Small Business Development Center for more information.

Four Basic Forms A New Business Can Take:

- Sole Proprietorship
- Partnership (General or Limited)
- Corporation (C or S)
- Limited Liability Company (LLC)

A **sole proprietorship** is usually owned and operated by one person. Under the law, it is not actually considered a legal entity. It is instead considered an extension of the person who owns the business. This individual has sole ownership of assets, but is also solely liable for the debts of the business. All personal assets are reachable by creditors or judgments.

A **partnership** can be formed in two ways.

A **general partnership** is comprised of two or more individuals who join to start a business. Each person has proportional ownership of the business assets and proportional liability for business debts. Each person also has authority in running this business. A partnership agreement can be drawn up to address each person's particular liability. However, despite this document, creditors may collect from each and every member of the partnership (this may include personal assets).

A **limited partnership** is made up of one or more general partners as well as one or more limited partners. Limited partners contribute capital and share in profit/losses. These limited partners, however, take no part in the running of the business and are not held liable for the organization's debts. Whether taking part in a general or limited partnership, it is advisable that you draw up a partnership agreement. This document will detail each partner's rights and responsibilities. Partnerships are required to file both federal and state income tax. While the partnership is not typically taxed, each partner reflects profits or losses for the partnership on his/her personal tax returns.

A **corporation** is an entity, which must be approved by the State of Georgia through the Office of the Secretary of State. A corporation must file federal, state, and local taxes on its operations. One advantage to a corporation is the protection from liability afforded to shareholders. However, when an organization is small, creditors may require personal guarantees of predominate owners. Another advantage to the corporation is the ease of raising capital through the sale of common or preferred stock. There are two types of corporations: C and S.

The “C” corporations have their own tax identification numbers and pay their own taxes. The “S” corporation is the opposite. It is not taxed as if it is a corporation at all. Instead it is taxed similarly to a partnership. Its gains and losses are reflected on the personal income tax of the shareholder. The S corporation is a pass-through entity for tax purposes. (The distinctions between S and C corporations can be complicated. It is very important that you consult with someone who is knowledgeable on the subject before making a decision.) In order to incorporate your business, contact the Office of the Secretary of State. You will then reserve your corporation name. The incorporation process must be completed within 90 days. The Office of the Secretary of State will instruct you in the completion of all documents needed. You will be required to pay an incorporation fee every year by April 1.

The Office of the Secretary of State

214 State Capitol

Atlanta, GA 30334

Telephone: 404-656-2881

Website: www.sos.state.ga.us

This incorporation process includes publishing your intent to incorporate in the local newspaper’s legal publication. To publish your intent to incorporate, contact:

Walker County Messenger

102 North Main Street

LaFayette, GA 30728

Telephone: (706) 638-1859

Website: www.walkermessenger.com

A **limited liability company (LLC)** is one that is owned by one or more persons known as members. It is a mixture of other forms of organization. This form combines some of the best features of partnerships, corporations, and S corporations. Similar to a corporation, you must reserve a name and file the articles of incorporation. You and your fellow members should write an operating agreement to control the conduct of the business.

An LLC shields the personal assets of members as if they were shareholders in a corporation. It also eliminates double taxation. Some state and foreign governments have not yet approved this form. In addition, an LLC may not have a perpetual life. While this form of organization is gaining popularity, you must take great care in the establishment of an LLC to ensure pass-through tax treatment.

An attorney can usually perform the necessary procedures for you for several hundred dollars. How much it will cost depends on the attorney and your business.

State Licensing

Licensing regulations should be considered when establishing a business or practicing certain regulated occupations in Georgia. The state's Professional Licensing Boards are organized through the Secretary of State's Office and can be reached at (404) 656-3900. For a list of professions requiring licenses, see Appendix I.

Before applying, you would be well advised to check the current licensing regulations through the office of the Secretary of State, the county, and the city. For information, contact:

Georgia Secretary of State
Licensing Boards Division
166 Pryor Street SW
Atlanta, GA 30303
Telephone: (404) 656-3900

***The Office of the Secretary of State offers a timesaving booklet entitled Consolidated Registration Information for Businesses. This book is more familiarly known as the BLUE BOOK. This book contains important phone numbers, addresses, and Internet addresses of offices and departments essential to your business.*

The Professional Licensing Boards Office is located at 237 Coliseum Drive in Macon, Ga 31217. If you are Submitting an Application or Payment please mail to P.O. Box 13446 Macon, GA 31208. Payment must be by check or money order, no cash.

The Board Offices may also be reached by phone at (478) 207-2440. Individual Board Contact Information can be found by visiting <http://sos.georgia.gov/plb/contact.htm>.

The General Administrative Offices may be reached by phone at (478) 207-1300 or by fax at 478-207-1363.

Federal Licensing

Your new small business will likely require federal licensing to conduct business if you are engaged in one or more of the following activities:

- Rendering investment advice
- Making alcoholic products
- Making tobacco products
- Preparing meat products
- Making or dealing in firearms

You would need a Federal permit also to start large operations such as a television station, radio station, common carrier, or producer of drugs or biological products. The aforementioned businesses are all heavily governmentally regulated. For information on federal licensing for these types of businesses, contact:

The U.S. Department of Alcohol, Tobacco, and Firearms

2600 Century Parkway Suite 3430

Atlanta, Georgia 30345

Telephone: 1-877-882-3277

Website: www.ttb.gov

The U.S. Federal Drug Administration

60 8th Street

Atlanta, GA 30309

Telephone: 1-888-463-6332

Website: www.fda.gov

The U.S. Federal Communications Commission

Telephone: 1-888-225-5322

Website: www.fcc.gov

Business Licenses

If you plan to operate a business in the state of Georgia, you must obtain a city or county business license. This license is sometimes called an Occupational Tax. In some cases, such as if your business will be operated in Walker County but outside any city limits, no license is needed. You should discuss the details of your situation with the licensing department. The fee for a license is contingent on the location, type, and size of your business.

If your business will be located within the Chickamauga City Limits:

The City of Chickamauga requires a Business Application to accompany the Occupation Tax payment. This form can be downloaded from the city's website at www.cityofchickamaugageorgia.org/chickforms/business-app.pdf. This form and payment are to be mailed or returned in person to the Chickamauga Planning Commission located at:

Chickamauga City Hall

P.O. Box 69
103 Crittenden Avenue
Chickamauga, GA 30707
Telephone: (706) 375-3177
Website: www.cityofchickamaugageorgia.org

If your business will be located with the LaFayette City Limits:

The City of LaFayette requires a Business Application to accompany the permit fee. The application can be picked up from City Hall or downloaded on the City's website at www.cityoflafayettega.org/businesslicenseapplication.htm. You will need to bring the completed application and your business license fee (based on number of employees) to the Tax Clerk's Office at:

LaFayette City Hall

207 S. Duke Street
LaFayette, GA 30728
Telephone: (706) 639-1500
Website: www.cityoflafayettega.org

If your business is located somewhere else and you are looking to do business within the City Limits of LaFayette, you are required to have a business license issued in Georgia. If you normally do not need a business license (located in unincorporated Walker County) but would like to do work in LaFayette, City Hall will require that you obtain a Business License from the City or elsewhere in Georgia. Contact City Hall to check if you need this license.

If your business is in the LaFayette Downtown Development Authority area, you may contact the Main Street and Economic Development Office for additional help that might be available, such as technical assistance, facade grant program or making contact with local media. The DDA stretches along two corridors: Main Street from Hendrix Street on the north to Fortune Street on the south, on the east on Duke Street from the U.S. Farm Service Agency south to the LaFayette library, and west along Patten and Villanow streets over to Chattanooga Street.

If your business will be located with the Lookout Mountain City Limits:

Lookout Mountain requires that you visit City Hall to pick up a business license application. The applicant will then be added to the agenda for the next City Council meeting where the council and Mayor will review the application. If the Council concludes the business complies with all local ordinances and zoning codes, the application will be approved and you will be required to submit a \$100 business license fee. You will then receive your business license in the mail in about 10 business days. You are required to renew your business license each year.

Lookout Mountain City Hall

1214 Lula Lake Road
Lookout Mountain, GA 307
Telephone: (706) 820-1290
Website: www.lookoutmtnga.com

If your business will be located with the Rossville City Limits:

The City of Rossville requires a Business Application to accompany the Occupation Tax payment. To start the process, visit Rossville City Hall between 8:00 a.m. and 4:30 p.m. to complete the application for a City Occupation Tax Certificate and a consent form for a criminal history check. Be sure to bring a driver's license, as they will ask to make a copy to keep it on file. Once the history check is complete, the building in which you are going to occupy must be inspected by the Building Inspector or Assistant Fire Chief to see if the building is up to compliance. The entire process usually takes three working business days, depending on the inspection of the building. The City Hall representative will also ask that you fill out an emergency information card for the Police Department to have on hand if there were an emergency at your business.

Rossville City Hall

400 McFarland Avenue
Rossville, GA 30741
Telephone: (706) 866-1325

If your business will be located in Walker County but outside any City Limits:

Business license are not required. However, you must make sure that you are operating in an appropriately zoned commercial or industrial area. See the *Zoning* section of this book for more of those details.

To verify that your business is located within City Limits, you can call that city's City Hall.

Zoning

Once you have chosen a tentative location for your business, contact the zoning department to determine the permitted uses of that location. There might be special restrictions on that area. **DO NOT INVEST ANY MONEY IN A LOCATION UNTIL ZONING HAS BEEN THOROUGHLY RESEARCHED!!!**

The Office of Zoning Administration can help you determine if your location and type of business are in compliance with ordinances. You will be required to submit your business plans to the zoning office to determine if the business complies/can be adapted to comply with the following:

- 1- Current zoning classification
- 2- Building setbacks
- 3- Off-street parking availability and service entrance requirements
- 4- Buffer yards or required screening
- 5- Lot area minimum
- 6- Sign regulations.

Sign permits are required for erecting and placing any mounted or free-standing signs. Applications are filed through your appropriate zoning office. For specific information about signage, contact your local Zoning Administrator or Commissioner's office. If your plans do not/cannot meet these specifications, you can discuss options with the zoning office. If you find the current zoning classification of your potential location does not allow for your business, you may file an appeal for rezoning. In order to file this appeal, contact the Zoning Administrator's office. An answer on this appeal can usually be expected 4-5 weeks after submission of your application packet.

WHO IS YOUR ZONING ADMINISTRATOR?

If your business will be located within the Chickamauga City Limits:

Chickamauga City Hall
P.O. Box 69
103 Crittenden Avenue
Chickamauga, GA 30707
Telephone: (706) 375-3177
Website: www.cityofchickamaugageorgia.org

If your business will be located with the LaFayette City Limits:

LaFayette City Hall
207 S. Duke Street
LaFayette, GA 30728
Telephone: (706) 639-1500, ext. 6
Website: www.cityoflafayettega.org

If your business will be located with the Lookout Mountain City Limits:

Lookout Mountain City Hall

1214 Lula Lake Road

Lookout Mountain, GA 307

Telephone: (706) 820-1290

Website: www.lookoutmtnga.com

If your business will be located with the Rossville City Limits:

Rossville City Hall

400 McFarland Avenue

Rossville, GA 30741

(706) 866-1325

If your business will be located in Walker County but outside any City Limits:

Walker County Planning & Zoning

101 Napier Street

LaFayette, GA 30728

(706) 638-4048

Website: www.walkerga.us

Building Construction, Renovation and Occupancy

Once you have found a location for your new business, you may want to do some updates or renovations. Note that a building permit must be obtained for both new construction and renovations of and additions to existing buildings. Before you may construct a new facility or renovate an existing one, you must have this permit. Once you have obtained a building permit, complied with the regulations pertaining to the area you are in, and construction is complete, your facility will be inspected. You will then apply for a Certificate of Occupancy from that inspecting entity. Without this certificate, it is illegal for your business to reside in the facility.

WHO IS YOUR BUILDING INSPECTOR?

If your business will be located within the Chickamauga City Limits:

Chickamauga City Hall

P.O. Box 69

103 Crittenden Avenue

Chickamauga, GA 30707

Telephone: (706) 375-3177

Website: www.cityofchickamaugageorgia.org

If your business will be located with the LaFayette City Limits:

LaFayette City Hall

207 S. Duke Street

LaFayette, GA 30728

Telephone: (706) 639-1500, ext. 6

Website: www.cityoflafayettega.org

If your business will be located with the Lookout Mountain City Limits:

Lookout Mountain City Hall

1214 Lula Lake Road

Lookout Mountain, GA 307

Telephone: (706) 820-1290

Website: www.lookoutmtnga.com

If your business will be located with the Rossville City Limits:

Rossville City Hall

400 McFarland Avenue

Rossville, GA 30741

(706) 866-1325

If your business will be located in Walker County but outside any City Limits:

Walker County Planning & Zoning

101 Napier Street

LaFayette, GA 30728

(706) 638-4048

Website: www.walkerga.us

Utilities

Establishing Electricity, Telephone, Water, Sewer and Cable Service for your new business:
The Walker County Community is serviced by many utility providers. Please look at the list below and contact the provider that represents the area in which your business is located.

Electricity:

- City of Chickamauga: 706-375-3177 (serving within the city limits of Chickamauga)
- City of LaFayette: 706-639-1500 (serving within the city limits of LaFayette)
- Electric Power Board: 423-756-2706 (serving the area of Flintstone, Lookout Mountain, Rossville)
- North Georgia Electric: 706-866-2231 (serving the areas of Chickamauga, Flintstone, High Point, Kensington, Rock Spring, South of LaFayette, Villanow)

Telephone:

- Alltel - 1-800-501-1754 (serving the areas of Kensington, LaFayette, Noble, Rock Spring, Villanow)
- BellSouth - 1-800-753-0223 (serving the areas of Flintstone, Lookout Mountain, Rossville)
- Chickamauga Telephone - 706-375-3195 (serving the areas of Chickamauga, High Point, Rock Spring)
- Trenton Telephone - 706-657-4367 (serving the area of Lookout Mountain)

Water & Sewer:

- Chickamauga: 706-375-3177 (serving within the city limits of Chickamauga)
- LaFayette: 706-639-1500 (serving LaFayette, Noble, Rock Spring)
- Dade County Water Authority: 706-657-4341 (serving the area of Lookout Mountain)
- Tennessee-American Water Company: 866-736-6420 (serving the community of Lookout Mtn.)
- Walker County Rural Water: 706-764-2950 (serving Rock Spring)
- Walker County Water & Sewage Authority: 706-820-1455 (serving the areas of Chickamauga, Fairview, Flintstone, High Point, Kensington)

Gas:

- City of LaFayette - 706-639-1500 (serving within the city limits of LaFayette)
- Georgia Natural Gas - 1-800-427-5463 (serving the areas of Chickamauga, Flintstone, LaFayette, Lookout Mountain, Noble, Rock Spring, Rossville)
- Chattanooga Gas Company - 1-800-427-5463 (serving the community of Lookout Mountain)

Call before you dig (72 hours) 1-800-282-7411

Cable:

- Comcast Cable - 423-855-4300 (serving all communities)

Health Permits

If your business will involve food processing, handling, storage or distribution, you must obtain permits from the Walker County Environmental Health Department which handles the permitting process for the county and all of the cities. If you are unsure if your business needs a permit, contact the Environmental Health Department to check.

Walker County Environmental Health Department
101 Napier Street
LaFayette, GA 30728
(706) 639-2574

Trade Name Registration

In the State of Georgia, every person, firm, or partnership that conducts business has two options regarding trade name registration:

1. The business name must include the last name of the individual owner of the business.
2. If using a fictitious name (one not including the last name of the individual owner), the fictitious name must be registered in the office of the clerk of the Superior Court of the county where the business is located.

A corporation or limited liability company will not need to file this registration, as it will already be registered with the office of the Secretary of State. The fee for trade name registration is \$25.00. To obtain paperwork and register your trade name, contact:

Walker County Clerk of Courts
Walker County Courthouse
103 S. Duke Street
LaFayette, GA 30728
Telephone: (706) 638-1742

Similar to publishing your intent to incorporate a business, you must publish a notice of your trade name registration in the local newspapers. You must also file the required affidavit. Notice of the filing of the trade name registration must be published once a week for two weeks in the legal section of the publication. Prices vary. In order to run your legal advertisement, contact:

Walker County Messenger
102 North Main Street
LaFayette, GA 30728
Telephone: (706) 638-1859
www.walkermessenger.com

Failure to register a trade name will not nullify contracts signed by the unregistered entity. The court, however, is authorized to assess court costs against the parties who have failed to register the trade name or partnership name at the time an action is filed. Thus the trade name registration prevents a company from having to pay all court costs in an action by or against a company. If you have a question as to whether your business needs to register a trade name, contact the Clerk's office at the number listed above.

Trademark And Service Mark

Trademarks and Service Marks may be registered, if desired, through the Secretary of State's Office. The registration is for 10 years and a small fee is required. These are also federal trademarks laws. These apply where interstate shipments are involved and are obtained from the U.S. Patent Office. A product must be sold, shipped, and invoiced interstate prior to getting such protection from the Patent office. Information and applications can be obtained from:

**Secretary of State
Special Services Division**
214 State Capitol
Atlanta, GA 30334
(404) 656-2861

PATENTS AND INVENTIONS

Publication concerning patent laws, trademarks and invention are available at the Federal Bookstore and Department of Commerce. Patent attorneys and agents are listed in your local yellow pages. Patents are registered at:

U.S. Department of Commerce
Patent & Trade Marks Office
2021 Jefferson Highway
Washington DC 20230
(706) 557-3158

If you are looking for information specifically related to inventors, we recommend that you consult with one or both of the following associations:

Inventors Association of Georgia
Website: www.georgiainventors.com

United Inventors Association
Website: www.uiausa.com

Federal Taxes

There are some forms of business on which the U.S. government requires additional taxation. This will be a tax that you are responsible for collecting. This tax does not come out of your pocket. Typically it is added to the sale price of your product or service. Form 720. Quarterly Federal Excise Tax Return is used to file most federal excise taxes. Federal excise taxes can be broken into nine general categories of products and services.

They are:

- Motor vehicle use tax (vehicles greater than 55,000 lbs. gross weight)
- Retailers tax (certain types of fuels)
- Retail excise tax on the sales of the following: Heavy trucks/trailers, tires and tubes, recreation equipment (e.g. fishing/hunting supplies), firearms and ammunition
- Air transportation tax (if you are transporting people by air, you have to collect this tax)
- Communications taxes (e.g. on telephone or teletype services)
- Wagering taxes
- Taxes on U.S. mined coal
- Environmental taxes (imposed on petroleum products, various chemicals, and hazardous wastes)
- Alcohol, firearms, ammunition, and tobacco taxes

Be sure to contact the IRS for complete information on federal excise taxes

Internal Revenue Service
401 W. Peachtree Street, NW
Atlanta, GA 30308
(800) 829-3676

FEDERAL INCOME TAXES

The amount and way you will pay federal income taxes will be dependent on the legal form in which your business is organized.

For a sole Proprietor or a member of a Partnership: In either of these arrangements, you will be required to make estimated federal income tax payments and federal self-employment tax payments in advance. These individual payments are due in four installments. These payment deadlines are April 15, June 15, September 15, and January 15 for one whose tax year is the calendar year. Any amount left unpaid will be due April 15th of the following year. The Form 1040-ES is used to file these taxes. 90% of your estimated tax must be paid during the course of the year.

For a corporation: The Corporation is responsible for paying estimated corporate taxes if it has taxable income. These taxes can be due as soon as the fourth month of the corporation's first tax year. You must deposit these payments in a bank licensed to accept federal tax payments. The corporation will be issued a coupon book. These coupons will carry the corporation's tax ID number and are to be used with all federal tax payment deposits.

All forms necessary to file any of the estimated taxes mentioned above are available at your local IRS office. A coupon book will be mailed to you upon receipt of your Form SS-4 (the form filed requesting a tax ID number). For more information, contact:

Internal Revenue Service
401 W. Peachtree Street, NW
Atlanta, GA 30308
(800) 829-3676

EMPLOYER TAXES

There are taxes that as an employer you are responsible for both withholding from employee wages as well as paying yourself. For more complete information on employer taxes, see Employer Tax Responsibility on page 47.

FEDERAL TAX IDENTIFICATION NUMBERS

Your federal tax identification number is the number used to file your taxes. It acts in a similar capacity to your social security number on your personal income taxes. In fact, if you are a sole proprietorship you will probably use your social security number. In partnerships and corporations you will need a Federal Tax ID number. To determine whether you need a Tax 10 number, contact:

Internal Revenue Service
401 W. Peachtree Street, NW
Atlanta, GA 30308
(800) 829-3676

State Taxes

SALES AND USE TAXES

Every business that sells tangible personal property, such as merchandise, to customers is required to obtain a seller's permit. This is issued from the state sales tax agency. (There are some businesses, however, that are exempt from this requirement.) Typically, a separate permit must be obtained for every business in which property subject to sales tax is sold. If selling to a retailer, wholesalers and manufacturers usually do not have to collect sales tax on the goods they sell. This, however, is contingent on whether the retailer has a valid seller's permit and can provide you with a "resale certificate".

Similarly, retailers are not required to pay sales tax on items you purchase for resale. You may purchase blank resale certificates at office supply stores. If state law requires that your business collect sales and use tax, you must keep detailed records of your gross receipts from sales/rentals. These records must include all sales/rentals whether or not you believe them to be taxable. Your records must also include evidence of all deductions you claim on sales/use tax returns. In addition you must record the total purchase price of all tangible personal property acquired for sale, lease, or consumption.

Sales tax forms must be filed monthly. The taxes must also be paid on a monthly basis. You can contact the Georgia Department of Revenue to petition for special permission to pay/file quarterly, if you are interested. The state sales tax is 4%. In Walker County, the tax is currently 3%

To obtain a Sales Tax & Use Number:

- Go to www.etax.dor.ga.gov
- Click on Registrations
- Click on Forms
- Select Form CRF-002
- Print the form and fill it out
- Fax the completed form to (404) 417-4318
- It will be a minimum of 2-3 weeks for the state to return your number.

Contact:

Georgia Department of Revenue

1401 Dean Street, Suite E

Rome, GA 30161-6494

(706) 295-6061 or (706) 295-6672

STATE EXCISE TAXES

In addition to federal excise tax, you may be responsible for collecting state excise tax as well. The categories are comparable to the federal categories. Alcoholic beverages, tobacco products, motor carriers, and trucks with more than two axles are included in the taxed categories. You should contact the Georgia Department of Revenue for complete information.

Contact:

Georgia Department of Revenue

1401 Dean Street, Suite E

Rome, GA 30161-6494

(706) 295-6061 or (706) 295-6672

ESTIMATED STATE INCOME TAXES

The State of Georgia also requires that you pay estimated state income taxes. The payment dates for estimated state tax are the same as those for federal payments. Form 500ES should be completed for sole proprietorships or partnerships. A 9% per year penalty can be imposed for failure to file an estimated return or failure to pay the correct amount of tax.

Labor & Safety Regulation Information

EDUCATING YOURSELF ON LABOR/SAFETY ISSUES

The Georgia Department of Labor is available to provide consultation to new businesses in the state. The local and state departments offer educational seminars and presentations throughout the year. These classes cover a wide range of labor-related topics such as labor laws, labor issues, prevailing wages, unemployment insurance, benefits, and employment services. It would be advisable to contact the local Georgia Department of Labor (GDOL) office regarding these classes. These seminars are intended to provide you with all the information you need to prepare you for the employment aspects of running a business. You should begin these classes up to one year before your intended start-up. At these seminars you will be provided with a section of the instructional workbook. After attending a certain number of these seminars, you will have the entire workbook. The Georgia Department of Labor or the U.S. Department of Labor can help walk you through all employment and labor issues and questions.

Georgia Department of Labor

Fort Oglethorpe District Office (*for businesses on the north-side of the county*)
96 Stuart Road
Fort Oglethorpe, GA 30742
Telephone: (706) 861-1990

Georgia Department of Labor

LaFayette District Office (*for businesses on the south-side of the county*)
200 W. Villanow
LaFayette, GA 30728
Telephone: (706) 638-5525

State website:

www.dol.state.ga.us

www.ga-ec.com

US Department of Labor

www.dol.gov

OSHA

Issuing and enforcing of occupational and safety health regulations is handled by the United States Department of Labor. The Occupational Safety and Health Administration (OSHA) is the federal agency and administers these policies. The requirements put forth by OSHA include posting notices to employees and maintaining accurate records of employee injuries. OSHA will provide you with information on all requirements as well as related publications. OSHA policies and regulations must be posted in the workspace where all employees may see.

In addition to OSHA, the U.S. government also supports the Employment Standards Administration, Mine Safety and Health Administration, Veterans Employment and Training Service, and the Pension and Welfare Benefits Administration. Each of these departments is

designed to protect both the employer and employee. Similar to OSHA, each issues and enforces a unique set of requirements and regulations.

Occupational Safety & Health Administration

U.S. Department of Labor
1375 Peachtree Street NE, Suite 587
Atlanta, GA
Telephone: (404) 374-3573
Website: www.osha.gov

DRUG FREE WORKPLACE

Your business can become eligible for a 7.5% discount on your Workers' Compensation Insurance Premiums. This is possible through the DRUGS DON'T WORK PROGRAM. For information on this program, contact:

Walker County Chamber of Commerce

10052 Highway 27 North
Rock Spring, GA 30739
Telephone: (706) 375-7702
Website: www.walkercochamber.com

Drugs Don't Work Program

Website: www.livedrugfree.com

Application, Hiring & Termination Practices

There are basic ground rules to hiring and firing employees. There are legal requirements to acquiring or terminating employees. If handled incorrectly, personnel issues can result in legal problems. These legal problems can be large enough to shut your business. It is important to make sure all your bases are covered. In addition to the do's and don'ts listed below, contact the Georgia Department of Labor for more on correct hiring and firing policies.

APPLICATION AND HIRING PROCESS

DON'T:

- *Don't ask obvious questions.* Do not ask questions regarding sex, age, race, etc. or anything related to these areas. These are sensitive areas and cannot be used as discriminating factors. Some applicants may believe that all gathered information is used. It is for this reason that you should not ask these questions. It is best to avoid these topics so as to eliminate all possibility of legal problems.
- *Don't write on the job application form.* Any notes taken during interviews should be made on photocopies or other paper. This allows you to preserve the original application without marring it for your permanent records.

DO:

- *Do limit your interview questions to job duties.* There is no reason to ask questions that do not apply to the responsibilities of the position. You may ask if an applicant has any barriers to completing the duties. Do not ask questions like "Do you have children?" or "Are you married?" Small talk is acceptable if the interviewer is careful. Do not venture into conversation that might produce seemingly discriminatory information.
- *Do make sure all company procedures follow employment statutes.* Have your advisors or attorney review your system for application, hiring and termination before you begin hiring and periodically thereafter.
- *DO EDUCATE YOURSELF!!!!* The best way to prevent problems is to be familiar with the law. When you are in doubt about any issue concerning labor or safety, contact the Georgia Department of Labor. See the Resource Directory for contact information.

TERMINATION PROCESS

DO:

- *Do review company policies.* If you have not yet developed company policies regarding application, hiring, and termination, call the GDOL. Make a checklist of your procedures. Make sure that you have followed the rules in the firing process. If you have not completed your checklist, YOU SHOULD NOT TERMINATE THE EMPLOYEE YET. Take care to finish all steps in the process to alleviate any questions and possible legal repercussions.
- *Do have a stated code of expected employee behavior.* Many employers face problems due to unclear expectations of conduct. It is easier to prove reasons for termination if such a

code is in place. This documentation will be helpful if you are faced with paying restitution because it will show that you had sufficient cause to terminate the employee.

- *Do conduct an exit interview.* This allows you to tie up any loose ends. Final paychecks can be issued, and company property (e.g. keys, paperwork, files, computer laptops and jump drives) can be returned. Ask the employee what he/she liked or disliked about your company. Ask for feedback on aspects of your company of which this person has knowledge. This person might be a bit more forthcoming with problems or constructive criticisms than someone who still works there.
- *Do keep termination of an employee between you (management) and the employee.* The fired employee will appreciate your discretion in this matter. Termination should not be discussed with other employees. Privacy can help you avoid harsh feelings and legal repercussions.
- *Do have employees sign a release.* If you are offering the fired employee severance pay or anything else of value, have him/her sign a release of liability to the company. This may protect you in case of legal action.

WHERE TO FIND YOUR LABOR FORCE

There are many resources through which one can find employees. The first things that typically come to mind are the classified advertisements in local newspapers. You can place ads in these publications for week long and even month long periods. Contact the publication you wish to use for more specific information.

The Georgia Department of Labor is an agency that can assist you in finding employees. For more information on how the GDOL can help you, contact your local office:

Georgia Department of Labor

Fort Oglethorpe District Office (*for businesses on the north-side of the county*)

96 Stuart Road

Fort Oglethorpe, GA 30742

Telephone: (706) 861-1990

Georgia Department of Labor

LaFayette District Office (*for businesses on the south-side of the county*)

200 W. Villanow

LaFayette, GA 30728

Telephone: (706) 638-5525

Additional area resources to solicit employees include:

Walker County Chamber of Commerce-Online Job Bank

10052 Highway 27 North

Rock Spring, GA 30739

Telephone: (706) 375-7702

Website: www.walkercochamber.com/jobbank.htm

Northwestern Technical College-Job Placement Services

265 Bicentennial Trail

Rock Spring, GA 30739

Telephone: (706) 764-3510

Website: www.northwesterntech.edu

Walker County Messenger

102 North Main Street

LaFayette, GA 30728

Telephone: (706) 638-1859

Website: www.walkermessenger.com

Employer Tax Responsibilities

INCOME TAXES

Businesses with employees must pay employer taxes and withhold employee taxes for both the State and Federal governments. These should be deposited in any Federal Reserve Bank. You will be given a coupon book to accompany your deposits. These deposits are required monthly or quarterly. The Georgia and U.S. Departments of Revenue will determine your time of payment. You will be required to withhold Social Security and Medicare taxes. In addition to this withholding, the employer must pay a matching amount. You should consult the current year tax for present percentages.

Georgia Department of Revenue
1401 Dean Street, Suite E
Rome, GA 30161-6494
(706) 295-6061 or (706) 295-6672

UNEMPLOYMENT INSURANCE TAXES

Employers pay unemployment insurance as a business cost through the State Unemployment Tax Act (SUTA) and the Federal Unemployment Tax Act (FUTA). Tax payments cannot be deducted or withheld from the employee's wages.

The Georgia Department of Labor collects the state unemployment insurance tax (SUTA). Newly liable employers are assigned a beginning tax rate of 2.7% and pay tax on the first \$8,500 gross wages for each employee each year. Wages include all remuneration for personal services, including commissions and bonuses and the cash value of all remuneration paid in any other medium other than cash.

For further information on Unemployment Tax information, contact the Georgia Department of Revenue at the information above.

WORKERS' COMPENSATION INSURANCE

Workers' Compensation insurance is required of any business with more than three employees. The rates vary with the business type and the risk level. For more information, contact the State Board of Workers' Compensation.

State Board of Workers' Compensation
Telephone: (404) 656-3875
Website: www.state.ga.us/swbc

***NOTE** Taxes can be very complicated and it is recommended that you consult an accountant for details specific to your business and situation.*

SECTION 4: ADDITIONAL RESOURCES

Appendix I: State Issued Licenses

The following professions require licensing through the State of Georgia. Please contact (404) 656-3900 for more information on these business categories.

STATE BOARD OF ACCOUNTANCY

- Certified Public Accountant
- Registered Public Accountant
- Foreign Accountant
- Public Accounting Firms

STATE BOARD OF ARCHITECTS AND INTERIOR DESIGNERS

- Architects
- Interior Designers

GEORGIA ATHLETE AGENT REGULATORY COMMISSION

- Athlete Agents

BOARD OF ATHLETIC TRAINERS

- Athletic Trainers

GEORGIA AUCTIONEERS COMMISSION

- Auctioneers / Non-resident Auctioneers
- Auctioneer Corporations / Non-resident Corporations

STATE BOARD OF BARBERS

- Master Barbers
- Teachers
- Apprentices
- Schools / Shops

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS

- Chiropractors

CONSTRUCTION INDUSTRY LICENSING BOARD

- Conditioned Air Contractors
- Electrical Contractors
- Low Voltage Contractors
- Master & Journeyman Plumbers
- Utility Contractors

STATE BOARD OF COSMETOLOGY

- Master Cosmetologists
- Estheticians
- Nail Technicians
- Schools / Shops

COMPOSITE BOARD OF PROFESSIONAL COUNSELORS, SOCIAL WORKERS AND MARRIAGE AND FAMILY THERAPISTS

- Professional / Associate Counselors
- Master / Clinical Social Workers
- Marriage and Family Therapists

GEORGIA BOARD OF DENTISTRY

Dentists
Dental Hygienists

BOARD OF EXAMINERS OF LICENSED DIETICIANS

Dieticians

STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Professional Engineer / Engineer-in-Training
Land Surveyors / Land Surveyors-In-Training

STATE BOARD OF REGISTRATION FOR FORESTERS

Foresters

STATE BOARD OF FUNERAL SERVICE

Funeral Director
Embalmer
Funeral Home Establishments
Apprentices

STATE BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS

Professional Geologists

STATE BOARD OF HEARING AID DEALERS AND DISPENSERS

Hearing Aid Dealers
Hearing Aid Dispensers

STATE BOARD OF LANDSCAPE ARCHITECTS

Landscape Architects

STATE BOARD FOR THE CERTIFICATION OF LIBRARIANS

Librarians

BOARD OF NURSING HOME ADMINISTRATORS

Nursing Home Administrators/Nursing Home Administrators in Training

STATE BOARD OF OCCUPATIONAL THERAPY

Occupational Therapists/Occupational Therapy Assistants

STATE BOARD OF DISPENSING OPTICIANS

Opticians

STATE BOARD OF OPTOMETRY

Optometrists

STATE BOARD OF PHARMACY

Pharmacists
Pharmacies

STATE BOARD OF PHYSICAL THERAPY

Physical Therapists/Physical Therapy Assistants

STATE BOARD OF PODIATRY

Podiatrists

BOARD OF EXAMINERS OF LICENSED PRACTICAL NURSES

Licensed Practical Nurses

BOARD OF PRIVATE DETECTIVE AND SECURITY AGENCIES

Private Detective Employees / Private Detective Businesses
Private Security Businesses / Private Security Guards
Training Instructors

STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

Psychologists

GEORGIA BOARD OF NURSING

Registered Professional Nurses
Licensed Undergraduate Nurses
Advanced Practice Registered Nurses

STATE BOARD OF EXAMINERS FOR SPEECH LANGUAGE PATHOLOGY & AUDIOLOGY

Speech Language Pathologists
Audiologists

STATE BOARD OF REGISTRATION OF USED MOTOR VEHICLE DEALERS & USED MOTOR VEHICLE PARTS DEALERS

Used Motor Vehicle Dealers
Used Motor Vehicle Parts Dealers

STATE BOARD OF VETERINARY MEDICINE

Veterinarians
Faculty Veterinarians
Veterinarian Technicians

STATE BOARD OF EXAMINERS FOR THE CERTIFICATION OF WATER & WASTEWATER TREATMENT PLANT OPERATORS & LABORATORY ANALYSTS

Public Water Supply System Operator (Class I, II, III, IV)
Biological Wastewater Treatment System Operator (Class I, II, III, IV)
Industrial Wastewater Treatment System Operator
Water or Wastewater Lab Operator
Wastewater Collection System Operator

COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

Physicians / Physician Assistants
Physician Resident-in-Training
Perfusionists
Respiratory Care Professionals
Acupuncturists
Auricular Detoxification Specialists

STATE BAR OF GEORGIA

Lawyers

OFFICE OF THE COMMISSIONER OF INSURANCE

Insurance Agents

GEORGIA DEPARTMENT OF AGRICULTURE

Pesticide Applicators

REAL ESTATE APPRAISERS BOARD

Real Estate Agents

OFFICE OF THE SECRETARY OF STATE - SECURITIES DIVISION

Stock Brokers / Dealers
Investment Advisers
Charitable Fundraisers
Cemetery / Funeral Service Dealers

Source: Georgia Secretary of State website (www.sos.state.ga.us/plb/)

Appendix II: Glossary of Terms

Assets - Resources, owned or controlled by a company, that have future benefits. These benefits must be quantifiable in monetary terms.

Balance Sheet - A list of a company's assets, liabilities, and owner's equity at a particular point in time.

Break Even - The unit volume where total revenue equals total cost; there is neither profit nor loss.

Capacity - The amount of goods or work that can be produced by a company given its level of equipment, labor, and facilities.

Capital - The funds necessary to establish or operate a business.

Cash Flow - The movement of money into and out of a company; actual income received and actual payments made out.

Cash Flow Statement - A presentation of the cash inflows and outflows for a particular period of time. These flows are grouped into major categories of cash from operations, cash investing activities, and cash-financing activities.

Collateral - Assets pledged in return for loans.

Conventional Financing - Financing from established lenders, such as banks, rather than from investors; debt financing.

Debt Financing - Raising money for a business by borrowing, often in the form of bank loans. (See Conventional Financing above)

Debt Service - Money being paid out on a loan; the amount necessary to keep a loan from going into default.

Disbursements - Money paid out.

Equity - Shares of stock in a company; ownership interest in a company.

Expenses - Outflows of resources to generate revenues.

Fixed Costs - Those costs that are not responsive to changes in volume over the relevant range of time.

GDEcD - Georgia Department of Economic Development

GDOL - Georgia Department of Labor.

Income Statement - A matching of a company's accomplishments (i.e. sales) with effort (expenses from operations) during a particular period of time. (Revenues -Expenses = Net Income)

Leasehold Improvements - The changes made to a rented store, office or plant, to suit the tenant and make the location more appropriate for the conduct of the tenant's business.

Letter of Intent - A letter or other document by a customer indicating the customer's intention to buy from a company.

Liabilities - Commitments to payout assets (typically cash) to or render services for creditors.

Licensing - The granting or permission by one company to another to use its products, trademark, or name in a limited, particular manner.

Liquidity - The ability to turn assets into cash quickly and easily.

Market Share - The percentage of the total available customer base captured by a company.

Net Worth - The total ownership interest in a company, represented by the excess of the total amount of assets minus the total amount of liabilities.

NTC - Northwestern Technical College

NWGAJDA - Northwest Georgia Joint Development Authority

Partnership - A legal relationship of two or more individuals to run a company.

Profit Margin - The amount of money earned after the cost of goods or all operating expenses are deducted; usually expressed in percentage terms.

Pro Forma Statements - A financial statements detailing management's predictions.

Receipts - Funds coming into the company; the actual money paid to the company for its products or services; not necessarily the same as a company's actual receipts.

SBA – Small Business Administration

SBDC – Small Business Development Center

Sole Proprietorship - Company owned and managed by one person.

Variable Costs - Those costs that are directly responsive to changes in volume over the relevant range of time.

Venture Capitalists - Individuals or firms who invest money in new enterprises.

Working Capital - The cash available to the company for the ongoing operations of the business.

Acknowledgements

The Walker County Chamber of Commerce would like to thank the following organizations for their assistance in compiling this manual's information:

City of Chickamauga

City of LaFayette

City of Lookout Mountain

City of Rossville

Georgia Department of Economic Development

Georgia Department of Labor-LaFayette Career Center

Georgia Secretary of State's Office

Northwest Georgia Joint Development Authority

UGA Small Business Development Center

Walker County Commissioner's Office

Walker County Planning & Zoning

For More Information

For more information about this book or to request another copy, contact:



10052 Highway 27 North

P.O. Box 430

Rock Spring, GA 30739

Telephone: (706) 375-7702

Website: www.walkercochamber.com

Or find it online at www.walkercochamber.com/entrepreneur.htm