



Small Business  
Development Center

# STARTING A NEW BUSINESS IN SAN ANGELO GUIDE

## CONTACTS & RESOURCES



South-West Texas Border  
Small Business  
Development Center Network  
Angelo State University

Revised January 2010

*This guide neither intends nor offers specific legal advice. Contents contained herein are intended for informational and educational use only and believed to be valid as of the date of publication. Please consider consulting with your attorney or certified public accountant before you take action on legal or financial issues affecting you or your business. For questions or comments related to this guide, contact Dave Erickson at the SBDC office, (325) 942-2098 or email [david.erickson@angelo.edu](mailto:david.erickson@angelo.edu).*

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## NO COST BUSINESS STARTUP ASSISTANCE

The Angelo State University's Small Business Development Center (SBDC) advisors are experts in business startup issues. Besides information provided in this guide and monthly business startup training seminars, experienced SBDC business advisors can provide free business startup assistance tailored to your specific business needs. These advisors have owned or managed their own businesses and helped many people successfully start their businesses. They have a vast array of resources and knowledge in order to assist with your startup. Contact us for a **free and confidential** appointment or visit our website below for the latest business startup seminar schedule.

Angelo State University's Small Business Development Center  
ASU Station #10910  
San Angelo, Texas 76909-0910  
325-942-2098  
[www.sbdc.angelo.edu](http://www.sbdc.angelo.edu)  
[sbdc@angelo.edu](mailto:sbdc@angelo.edu)

## REFERRALS TO LOCAL SERVICE PROFESSIONALS

The SBDC can provide referral lists as a convenience on various professionals in San Angelo that can provide specific business startup accounting, legal, insurance, website, and IT assistance. The professionals on these referral lists can provide services for a fee to small business. The SBDC is not specifically recommending any service provider. The recipient of the list is responsible for the usefulness of any advice/assistance from a professional service provider they use. Please contact the SBDC for any of these referral lists. If you are a local professional service provider and wish to be put on the referral list, please contact Dave Erickson, SBDC Director.

## FORMING YOUR BUSINESS

The first major item in establishing a business is deciding the legal form of organization. There are four basic types:

- 1) *Sole proprietorship* - is the most common type of small business. An individual is the sole owner of all assets. He bears all profits and losses himself and is personally liable for all debts and obligations of the business. Outside assets such as home, car, and personal bank account are subject to claims of business creditors.
- 2) *Partnership* - consists of two or more owners, with profits and losses shared equally or allocated according to a partnership agreement. Each partner is liable for business debts and obligations and each partner's outside assets may be subject to claims of creditors, unless limited by the partnership agreement.
- 3) *Corporation* - is a separate legal entity. Your attorney can probably evaluate the possibility of incorporating your business. A corporation has limited liability, but the

corporate officers can be personally liable. A corporation is formed when a transfer of either money or property, or both, takes place by prospective shareholders in exchange for capital stock in the corporation.

- 4) *Limited Liability Company (LLC)* - The Limited Liability Company (LLC) is the newest form of business legal structure. It is a hybrid entity that allows owners the protection from personal liability provided to the corporate structure and the pass-through taxation of the partnership. The LLC does have some disadvantages. Because it is a new entity, laws regarding the LLC are still evolving and some issues regarding its operation remain unsettled. It is usually taxed as a partnership, but can be taxed as a corporation in some states. When taxed as a partnership, business owners can lose some company funded benefits.

Take sufficient time to study the type of business organization which you are contemplating. There are advantages to each type. Your accountant and attorney become valuable assets when making a decision to form a business.

- 1) A major consideration upon establishing an organization is the tax consequence. The tax obligation for sole proprietorships and partnerships is the responsibility of the individual business owner(s) rather than the business. Profits or losses from the business are reported as personal income or loss on the owner's personal income tax return.
- 2) In a corporation, taxes are levied on both the profits of the corporation and on the individual shareholders when they are distributed as dividends.
- 3) Another alternative to the usual corporate tax treatment is in the form of an IRS Subchapter S Corporation election. Certain enterprises qualifying for this status will not be taxed; rather, individual shareholders include profit or loss on their individual income tax returns.

If your business will be a corporation, limited partnership, limited liability company, or a limited liability partnership, the Secretary of State in Austin must give you authority to do business. It is recommended you consult an attorney for advice.

Office of the Secretary of State  
Corporations Section  
Post Office Box 13697  
Austin, Texas 78711-3697  
(512) 463-5586  
<http://www.sos.state.tx.us/>

**ASSUMED NAME RECORDS  
CERTIFICATE OF OWNERSHIP FOR UNINCORPORATED BUSINESS  
OR PROFESSION**

If you will conduct business under an **assumed name**, state law requires a certificate be filed in the county of the principal place of business. You can obtain a registration form at the Angelo State University • Small Business Development Center, a local bank, or the County Clerk's office in your county. The NOTARIZED completed form should then be filed at the appropriate County Clerk's office(s). The SBDC provides a notary for no charge.

Tom Green County Clerk's Office  
124 W. Beauregard Avenue  
San Angelo, Texas 76903  
(325) 659-3262  
[www.co.tom-green.tx.us](http://www.co.tom-green.tx.us)

## **BUSINESS PLAN for Startup Businesses**

A business plan is a written document and well thought out vision of the idea you wish to carry out as a business. Think of the business plan as a "roadmap" for your new enterprise. In addition, a sample Business Plan Outline and a Startup Costs checklist is provided in the **Appendix** of this guide.

The following benefits can be found in your business plan:

- ✓ A plan which gives you a path to follow. A plan which can allow you a future. A guide to organize the results you desire.
- ✓ An effective way to communicate your goals and objectives to your banker, attorney, accountant, insurance and real estate agents in order to receive advice for your mortgage, capital and other business needs.
- ✓ A communications tool to keep sales personnel, suppliers and others informed about your operation and goals.
- ✓ A developmental tool for personal growth as an owner or manager of your business. The business plan serves as a guide in assessing your business's strengths and weaknesses. It will help you to identify opportunities for growth and be an aid in making sound decisions for your business.

The Angelo State University - Small Business Development Center invites you to attend one of its *Business Plan* seminars for more assistance on business plan development. (Please visit our website at [www.sbdc.angelo.edu](http://www.sbdc.angelo.edu) for more information.) Also, one-on-one advising is provided free of charge in helping you develop your business plan. Please visit the website for the current training schedule.

## FINANCING YOUR BUSINESS STARTUP

There are various ways of financing a business startup. Most startup businesses are financed with funds from one's own resources in addition to funds from family and friends. These family and friends may be investors or they may loan money for your startup. Lenders such as banks may provide additional startup funds but they will require you to have the just mentioned funds or assets ready to be invested in the business. Very few if any businesses are started from grants, so be cautious about sending money to those promising grants to start a business. In addition, very few if any startup businesses receive 100% financing from a lender.

Once a business gets beyond the initial startup phase, angel investor groups may be interested in providing initial expansion funds. The local angel investor group is Concho Valley Angel Network, [www.cvangel.org](http://www.cvangel.org). Lenders such as local banks can provide loans to expand a business beyond the initial startup phase.

The advisors at the SBDC are very knowledgeable in startup business financing. Contact the SBDC for a free and confidential appointment to discuss financing your startup business. In addition training seminars in business financing options are offered throughout the year. [www.sbdc.angelo.edu](http://www.sbdc.angelo.edu).

## PERMITS & LICENSES

Some businesses will need to obtain a **city license or permit** before commencing business. Please check with the City of San Angelo Inspections & Permits Division listed below if you are unsure of your business' special licensing or permits needs.

In some cases, businesses are required to have an inspection of the building they are going to occupy if extensive renovations have been made. Permits and inspections for **changes of occupancy** and general construction can be obtained through the City of San Angelo.

Inspections & Permits Division  
108 N. Farr Street  
San Angelo, Texas 76903  
(325) 657-4420  
[www.sanangelotexas.us](http://www.sanangelotexas.us)

### CITY OF SAN ANGELO DEVELOPMENT REVIEW COMMITTEE

The Development Review Committee, or DRC, provides an opportunity for prospective or current property owners, developers, engineers, architects, and others to meet with city staff involved with the development process. These meetings are tailored to meet your specific needs and questions. This free service insures that you know the necessary regulations, processes, challenges and fees up front before you begin your project. Our DRC staff members have over 60 combined years of experience in development projects and can be a valuable asset as you move ahead.

Multi-family, commercial, industrial and manufacturing projects involving new construction, significant additions, or new businesses are strongly urged to request a DRC meeting before submitting any items to the City for approval. Meetings are held on Friday mornings, from 9 am to 12 pm. Contact them to set up a meeting.

Planning Division  
Paul Anthony, Development Coordinator  
72 West College Avenue, Room 301  
San Angelo, Texas 76903  
(325) 657-4210  
[www.sanangelotexas.us](http://www.sanangelotexas.us)

### STATE LICENSES AND PERMITS

The **state** may require certain businesses have other permits before commencing operations. Since the types of permits and licenses are so numerous, please contact the following agency for additional information.

Office of the Governor  
Economic Development & Tourism  
Post Office Box 12428  
Austin, Texas 78711-2428  
(800) 843-5789  
<http://www.business.texasonline.com/>

Some state entities that regulate businesses through the usage of **additional licenses and permits** include, but are not limited, to the following:

#### **Food Service**

Environmental Health Division  
City of San Angelo  
2 City Hall Plaza  
San Angelo, Texas 76903  
(325) 657-4493  
[www.sanangelotexas.us](http://www.sanangelotexas.us)

#### **Day Care**

Texas Department of Human Services  
622 South Oakes Street, Suite E2  
San Angelo, Texas 76903  
(325) 655-0576  
[www.tdprs.state.tx.us](http://www.tdprs.state.tx.us)

#### **Alcohol, Firearms**

Texas Alcoholic Beverage Commission  
622 South Oakes Street, Suite P  
San Angelo, Texas 76903  
(325) 659-7931  
<http://www.tabc.state.tx.us>

#### **Irrigation & Hazardous Waste**

Texas Commission on Environ. Quality  
622 South Oakes Street, Suite K  
San Angelo, Texas 76903-7013  
(325) 655-9479  
<http://www.tceq.state.tx.us>

**Weight & Measurement Devices**  
Texas Department of Public Safety  
1600 West Loop 306  
San Angelo, Texas 76904  
(325) 223-6502  
<http://www.txdps.state.tx.us>

## **STATE SALES AND FRANCHISE TAXES**

### **STATE SALES TAXES**

The Texas State Comptroller's Office is responsible for the administration and collection of all state sales taxes. If you are starting a business in Texas and are not sure if you are required to collect state sales tax or you are uncertain about how much sales tax to collect, then the State Comptroller is the office to contact.

Any business in Texas which sells taxable items or provides a taxable service in Texas or to customers in Texas must have a **sales tax permit**. This permit is required to purchase items for resale without paying state sales tax. An application and more information can be obtained by contacting the local office of the State Comptroller or from visiting its website.

3127 Executive Drive  
San Angelo, Texas 76904  
(325) 942-8364  
[www.window.state.tx.us](http://www.window.state.tx.us)

### **STATE FRANCHISE TAXES**

The Texas State Comptroller's Office is also responsible for the administration and collection of all state business franchise taxes (sometimes called the margins tax). If you are starting a business in Texas and are not sure if you are required to pay state franchise tax, then the State Comptroller is the office to contact. See their contact information above.

The recently revised franchise tax applies to partnerships (general, limited and limited liability), corporations, LLCs, business trusts, professional associations, business associations, joint ventures and other legal entities. The revised franchise tax does **not** apply to:

- sole proprietorships (except the tax does apply to single member LLCs filing as a sole proprietor for federal income tax purposes);
- general partnerships directly and solely owned by natural persons (except the tax does apply to all limited liability partnerships);
- entities exempt under Subchapter B of Chapter 171; and
- passive entities (as defined under TTC 171.0003)

## **MARKET RESEARCH AND ANALYSIS**

For a successful business, you need to ensure there is a market for the goods or services you plan to provide. Your desired customers are your target market. When choosing a location for your business and planning your advertising and marketing, always keep your target group in mind.

The SBDC conducts numerous marketing seminars throughout the year. In addition the experienced SBDC advisors can assist with ideas on how you can go about researching your market, analyzing your target customers and decide how best to reach them through advertising and other marketing tools and ideas.

### **CONCHO VALLEY BUSINESS RESOURCES**

CVBiz.org is a virtual one stop shop for accessing local business resources and assistance. This web portal will help you navigate through the business process by offering resource providers and assistance contact information whether you are an already existing, relocating, or prospective business! In addition, by clicking on Helpful Links, you can have access to a wide array of websites that can help you with your marketing research and analysis.

Concho Valley Business Resources

[www.cvbiz.org](http://www.cvbiz.org)

[cvbiz@angelo.edu](mailto:cvbiz@angelo.edu)

### **SBDC NATIONAL INFORMATION CLEARINGHOUSE (SBDCNET)**

When advisors with the Small Business Development Center need help with additional information, they can turn to a group of tech-savvy researchers working at the SBDC Network office.

Besides all kinds of business research, these researchers can produce customized reports, market analysis, patent searches and demographic charts and maps to aid counselors across the nation as they work with small businesses trying to start up or expand. And it is all free for clients and accessed by advisors who work for the Small Business Development Center (SBDC) Network.

SBDCNet

501 West Durango Boulevard

San Antonio, Texas 78207

[www.sbdnet.org](http://www.sbdnet.org)

## **SAN ANGELO CHAMBER OF COMMERCE**

Membership with the San Angelo Chamber of Commerce can provide various marketing benefits through visibility, business leads, networking opportunities, business referrals, and initial free marketing and advertising opportunities.

San Angelo Chamber of Commerce  
418 West Avenue B  
San Angelo, Texas 76903  
(325) 655-4136  
[www.sanangelo.org](http://www.sanangelo.org)

## **LOCATION ASSISTANCE**

### **BUSINESS INCUBATOR**

You may be interested in a business incubator arrangement as an alternative to office space rental. It may be possible to save on overhead associated with renting and staffing an office from scratch.

Incubator space is a portion of an office that is for rent. When you lease incubator space, you reduce your initial capital investment, which increases the cash flow available for operating your business.

An incubator provides benefits during the financially harsh start-up period. Once your business is flourishing, you may wish to move to long-term rental space of your own.

Benefits of an incubator are:

- Short-term leases
- Telephone system
- Little investment
- Office equipment
- Professional support staff
- Services available as needed
- Receptionist and reception area
- No utility bills
- Business address without the huge expense

The business incubator in San Angelo is:

Concho Valley Center for Entrepreneurial Development (CVCED)  
2009 W. Beauregard Avenue  
San Angelo, Texas 76901  
(325) 657-9214  
[www.cvced.org](http://www.cvced.org)

### COMMERCIAL REAL ESTATE BROKERS

When looking for a location to start your business, consider contacting a commercial real estate broker who can help you locate a building to buy or lease. In addition, the San Angelo Development Corporation, Downtown San Angelo, Inc. and the San Angelo Chamber of Commerce usually have knowledge of available commercial buildings in the community. Their contact information is provided at the end of this guide.

### BUILDING CONSTRUCTION OR REMODELING

All building construction is regulated by the City of San Angelo Inspections and Permits Division. If you are building a new building or remodeling an existing structure, you need to have your plans approved by this office. If your plans meet the building and fire code requirements, you will be issued a building permit to begin construction. As many as twenty different inspections may be required during the various phases of construction. These inspections will be scheduled by your contractor through the Inspections and Permits Division. Upon completion of construction and final approval, you will be issued a certificate of occupancy.

Please remember to consider contacting the before mentioned City of San Angelo Development Review Committee. The DRC provides an opportunity for prospective or current property owners, developers, engineers, architects, and others to meet with city staff involved with the location development process.

### CERTIFICATE OF OCCUPANCY

If you are starting a business in an existing building, you will need a Certificate of Occupancy. Assuming that the business will comply with the zoning requirements, the certificate of occupancy is needed to show that the building meets the city's code requirements. ***Utilities cannot be turned on until you receive the certificate.*** You can apply for the certificate of occupancy at the Inspections and Permits Division at City Hall. Representatives from the inspection and fire marshal's office will inspect the building to ensure that it complies with the appropriate codes. Building modifications may be required especially if your business represents a different type of land use than the previous occupant.

## CHANGE OF OCCUPANCY REQUIREMENTS

1. Any new business being placed in an existing building must check with the Inspections and Permits Division to verify if a change of occupancy permit is required. If a change of use is found, a permit will be required.
2. To aid in this process it will help to have an accurate address of the building, a legal description, and information on what type of business was in the building prior to your proposed business.
3. The site will be reviewed to ensure that it meets zoning requirements for the new business. (i.e. paved parking)
4. Inspections will be made by the Inspections and Permits Division, the Fire Prevention Division, and if applicable, the Environmental Health (Food Service) Division to ensure code compliance.
5. Once the inspections have been passed the utilities will be cleared and service can be obtained.

## ZONING INFORMATION

The City of San Angelo recommends that persons interested in opening a business within the city limits obtain a legal description of the proposed location and check with the City of San Angelo Planning Division to assure the location is appropriately **zoned**. Home-based businesses should also consult with the zoning office to confirm the proposed business is one that is permitted to be operated from a home.

Planning Division  
72 W. College Avenue  
Third Floor, Room 301  
San Angelo, Texas 76903-5814  
(325) 657-4210 or 657-4227

## UTILITY COMPANIES

Following is a listing of the **utility companies** that a business might need to contact prior to opening their business in San Angelo.

Verizon  
(888) 530-3737  
[www.verizon.com/business](http://www.verizon.com/business)

San Angelo Water Utilities  
122 West 1<sup>st</sup> Street  
San Angelo, Texas 76903  
(325) 657-4323  
<http://sanangelotexas.org>

AEP-American Electric Power  
933 W. 19<sup>th</sup> Street  
San Angelo, Texas 76903  
(325) 657-2748  
[www.aep.com](http://www.aep.com)

Trashaway Service, Inc.  
(Waste Collection)  
1422 Hughes  
San Angelo, Texas 76901  
(325) 653-6957  
[www.republicservices.com](http://www.republicservices.com)

Atmos Energy  
(Gas Company)  
(800) 460-3030  
[www.AtmosEnergy.com](http://www.AtmosEnergy.com)

Texas Electric Choice  
Post Office Box 1116  
Austin, Texas 78767-1116  
(866) 797-4839  
<http://www.powertochoose.org/>

Suddenlink  
(Cable and digital phone)  
4272 W Houston Harte  
San Angelo, Texas 76901  
325-655-8911  
[www.suddenlink.com](http://www.suddenlink.com)

## EMPLOYEES

### EMPLOYEE OR INDEPENDENT CONTRACTOR?

It is important to understand the difference between hiring someone as an employee and contracting with them as an independent contractor. In most cases the relationship is an employment relationship. Many small businesses have run into trouble with the IRS and tax office of the Texas Workforce Commission in terms of monetary penalties and back taxes for miss-classifying workers as independent contractors when they should have been employees. Also specific questions should be directed to the local IRS office or the tax office of the Texas Workforce Commission. Contact information is provided in this guide. See the **Appendix** for an IRS 20 question test on proper classification.

## STATE UNEMPLOYMENT TAX

The state unemployment insurance tax is paid by firms that employ one or more individuals during a portion of a day in each of 20 different weeks in a calendar year or if they pay \$1,500 or more in wages in a calendar year.

The Texas Workforce Commission is the agency charged with collecting the unemployment tax and with paying unemployment benefits to individuals who qualify. To acquire an ID number, employers must submit Form C-1, Texas Workforce Commission Status Report. The tax must be submitted quarterly on Form C-3/C-4.

The account number assigned will be used on all quarterly returns. It will also be used on the Form 940, Employers Annual Federal Unemployment (FUTA) Tax Return, in order to show that you have paid the state tax.

The tax rate for most new employers is 2.7% on the first \$9,000 paid to each employee. After six quarterly returns, a new tax rate will be computed for the employer. If the employer has had any claims against his account number, his or her tax rate may increase. If no claims have been filed against the account number, the employer's tax rate may remain constant or decrease. For more information or free pamphlets, contact: Workforce Solutions of the Concho Valley (325) 653-2321.

If your business has employees, you will be required to pay **state unemployment taxes**. Additional information may be obtained from the Regional Tax Office of Texas Workforce Commission. The West Texas Region has offices in the following locations:

### **Abilene Office**

4400 Buffalo Gap Road, Suite 2000  
Abilene, TX 79606-2719  
Phone No: (325) 698-7521 ext. 339  
Fax No: (325) 698-7846

### **Brownwood Office**

907-B Main Street  
Brownwood, TX 76801-2750  
Phone No: (325) 646-9059  
Fax No: (325) 646-0206

## RECRUITMENT OF EMPLOYEES

Information regarding **recruitment of employees** may be obtained from:

Workforce Solutions of the Concho Valley  
202 Henry O. Flipper Street  
San Angelo, Texas 76903  
(325) 653-2321  
[www.cvworkforce.org](http://www.cvworkforce.org)

## WORKERS' COMPENSATION

Workers' Compensation is not mandatory in Texas, but you should seriously consider carrying such a policy. Workers' Compensation coverage is available through private insurance companies. The Texas Department of Insurance, which regulates all insurance rates, keeps a list of insurance companies qualified to write such policies. To get the best coverage and rates, check with local insurance agents.

Texas Department of Insurance-Division of Workers Compensation  
622 S. Oakes Street, Suite M  
San Angelo, Texas 76903-7013  
(325) 657-0404  
[www.tdi.state.tx.us](http://www.tdi.state.tx.us)

## EMPLOYMENT TAXES & FORMS INFORMATION

1. Before an employer can pay employees and withhold taxes, the business must apply with the Internal Revenue Service at <http://www.irs.gov/index.html> for an employer identification number with **Form SS-4 (Application for Employer Identification Number.)** An Employer Identification Number (EIN), also known as a Federal Tax Identification Number, is a nine-digit number that the IRS assigns to business entities. The IRS uses this number to identify taxpayers that are required to file various business tax returns. EINs are used by employers, sole proprietors, corporations, partnerships, non-profit organizations, trusts and estates, government agencies, certain individuals and other business entities.
2. Every individual or employing unit which operates a business or organization in Texas (including domestic and agricultural labor), or which has acquired a business or organization which has operated in Texas is required to pay state unemployment taxes to the Texas Workforce Commission. You will need to complete a **Form C-1 (Status Report)** to be set up as an employer with the State of Texas. You can register online at <http://m06hostp.twc.state.tx.us/TAXREG/>.
3. Employees must complete **Form W-4 (Employer's Withholding Allowance Certificate)**. This will provide employee's social security number, current address and all information employers will need regarding the employee's withholding allowance.
4. Employers must ask each new employee to complete the employee section of an Immigration and Naturalization Service (INS) **Form I-9 (Employment Eligibility Verification.)** Employers must then complete the employer section to verify the employee's identity and eligibility to work. In addition, it is recommended employers keep a copy of the employee's driver's license and social security card on file.
5. Employee social security numbers should be verified with the Social Security Administration to ensure they are valid. Up to five (5) names/SSNs can be verified by

phone at 1-800-772-6270. Up to 50 names can be verified at the local Social Security Office, (325) 949-4608.

6. All Texas employers are required to report certain information on all newly hired and rehired employees to a state directory with the Texas Employer New Hire Reporting Operations Center within 20 days of hire by calling 1-888-839-4473 or by reporting online at <http://employer.oag.state.tx.us>.
7. Currently, the employer and employee will pay 6.2% each for social security tax and 1.45% each for Medicare tax. The annual maximum amount of wages subject to social security tax is \$106,800 in 2010 while there is no wage base for Medicare.
8. Amounts withheld plus employer's matching portion must be deposited in accordance with one of two deposit schedules, monthly or semi-weekly. Before the beginning of each calendar year, you must determine which of the two deposit schedules you are required to use. The deposit schedule you must use is based on the total tax liability you reported on Form 941 (discussed below) during a lookback period. The deposit schedule is not determined by how often you pay your employees or make deposits. The lookback period is a four quarter period that begins on July 1st and ends June 30<sup>th</sup> of the previous year. Your deposit schedule is determined from the total taxes reported on line 8 of Form 941 for the four quarter lookback period. If you reported \$50,000 or less of taxes for the lookback period, you are a monthly schedule depositor. If you reported more than \$50,000, you are a semi-weekly schedule depositor.

Under a monthly deposit schedule, amounts withheld plus the employer's matching portion must be deposited within 15 days after the end of the month with a Federal Reserve Bank. New employers are considered monthly schedule depositors. Should your payroll tax deposits be less than \$2,500 for the preceding quarter or will be less than \$2,500 for the current quarter, the total deposit can be made on a quarterly basis with the filing of Form 941 as opposed to monthly deposits.

Under a semi-weekly deposit schedule, amounts withheld plus the employer's matching portion must be deposited within 3 business days from the date of payroll. The deposit is made with a **Form 8109** (Federal Deposit Coupon.) There is a 10% penalty for late payments. However, EFTPS is now the recommended format and will eventually replace Form 8109, allowing the employer to electronically deposit their federal taxes. Employers can enroll online at EFTPS.gov.

9. A **Form 941** (Employer's Quarterly Federal Tax Return) must be filed quarterly with the IRS regarding withheld income tax and social security and Medicare taxes. These quarterly returns must be filed within 30 days after the end of each calendar quarter. For Texas businesses, the return must be sent to:

(If Money **IS NOT** sent with 941 Form)  
Internal Revenue Service  
Ogden, UT 84201-0005

(If Money **IS** sent with 941 Form)  
Internal Revenue Service  
Post Office Box 105083  
Atlanta, GA 30348-5083

10. The net Federal Unemployment Tax (FUTA) rate is 0.8% in the state of Texas. The FUTA tax is figured on the first \$7,000 in wages paid to each employee annually. If at the end of any calendar quarter you owe, but have not yet deposited, more than \$500 in FUTA tax for the year, you must make a deposit with **Form 8109** by the end of the next month or make the deposit via the Internet at EFTPS.gov.
11. SUTA, or State Unemployment Taxes, are paid on the first \$9,000 wages paid to an employee in a year at a rate determined and paid to the Texas Workforce Commission on a quarterly basis. The rate for first year employers is 2.7%. All forms and reports should be mailed to Cashier – Texas Workforce Commission, P.O. Box 149037, Austin, TX 78714-9037.
12. A **Form 940** (Employer's Annual Federal Unemployment or FUTA Tax Return) must be filed annually and is due January 31 after the year ends. This return is mailed to one of the addresses as listed below:

(If Money **IS NOT** sent with 940 Form)  
Internal Revenue Service  
Ogden, UT 84201-0046

(If Money **IS** sent with 940 Form)  
Internal Revenue Service  
Post Office Box 105078  
Atlanta, Georgia 30348-5078

13. A **Form W-2** (Wage and Tax Statement) must be completed and sent by January 31 to each employee for the prior calendar year. Copy A of all W-2 Forms prepared for each employee should be filed annually by the end of February for the prior calendar year with the Social Security Administration accompanied with **Form W-3** (Transmittal of Income and Tax Statements) to the following address:

Social Security Administration  
Data Operations Center  
Wilkes-Barre, Pennsylvania 18769-0001

14. If you paid \$600 or more for fees, commissions or other forms of compensation to an individual who is not your employee for services performed in your trade or business, you must file a **Form 1099-MISC** (Miscellaneous Income) and send it to the payee by January 31. You can use **Form W-9** (Request for Taxpayer Identification Number and Certification) to request a payee's taxpayer identification number and to certify the number is correct.

By the end of February, you must file copy A of the 1099 Forms with a **Form 1096** (Annual Summary and Transmittal of U.S. Information Returns) to the address below:

Internal Revenue Service  
Austin, Texas 73301

To obtain any of the forms listed above, contact the Internal Revenue Service at (800) 829-4933 or Workforce Solutions of the Concho Valley at (325) 653-2321.

*If you have employees, you must keep all employment tax records for at least four years after the date the tax becomes due or is paid, whichever is later.*

### **MINIMUM WAGE REQUIREMENTS**

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. Covered nonexempt workers are entitled to a minimum wage of \$7.25 per hour effective July 24, 2009. Overtime pay at a rate of not less than one and one-half times their regular rates of pay is required after 40 hours of work in a workweek.

<http://www.dol.gov/esa/whd/>  
1-866-4-USWAGE  
(1-866-487-9243)

### **OFFICE OF THE ATTORNEY GENERAL**

Effective October 1, 1998, all Texas employers are required to report certain information on all newly hired and rehired employees to a state directory.

Texas Employer New Hire Reporting  
Operations Center  
Post Office Box 149224  
Austin, Texas 78714-9224  
(888) TEX-HIRE (839-4473)  
<http://employer.oag.state.tx.us>

### **SOCIAL SECURITY NUMBER VERIFICATION**

Employee social security numbers should be verified with the Social Security Administration to ensure they are valid. Up to five (5) names/SS#'s can be verified by phone at 1-800-772-6270. Up to 50 names can be verified at the local Social Security Administration Office.

2851 Southwest Boulevard  
(325) 949-4608  
[www.ssa.gov/employer/ssnv.htm](http://www.ssa.gov/employer/ssnv.htm).

## INTERNAL REVENUE SERVICE

Additionally, some of the following **IRS publications** may be of particular interest to the new business person. You can obtain these by calling the number above or by visiting the IRS web site at <http://www.irs.gov> .

Publication 583—Starting a Business & Keeping Records

Publication 334—Tax Guide for Small Businesses

Publication 533—Self-Employment Tax

Publication 15— Circular E, Employer’s Tax Guide

Internal Revenue Service business **tax-related questions** are usually referred to the following numbers.

### **Internal Revenue Service**

Business Tax Questions

(800) 829-4933

### **Local IRS Office**

33 E. Twohig, Federal Building

San Angelo, Texas 76903

(325) 653-0082

To obtain forms on the Web, visit <http://www.irs.gov>. You should also determine whether any **federal permits or licenses** are required and check with the appropriate federal agency for additional information.

## HELPFUL AGENCIES AND ORGANIZATIONS

There are a number of **other business-oriented establishments and agencies** that assist businesses in organizing the start-up of a new business. Some of the more common organizations are listed below. In addition, they can all be contacted through the local business resource web portal, Concho Valley Business Resources [www.cvbiz.org](http://www.cvbiz.org).

San Angelo Chamber of Commerce  
418 West Avenue B  
San Angelo, Texas 76903  
(325) 655-4136  
[www.sanangelo.org](http://www.sanangelo.org)

West Texas Training Center  
3501 North U. S. Highway 67  
San Angelo, Texas 76905  
(325) 942-2800  
<http://www.wttcsa.org/>

Better Business Bureau  
3134 Executive Drive  
San Angelo, Texas 76904  
(325) 949-2989  
[www.sanangelo.bbb.org](http://www.sanangelo.bbb.org)

Downtown San Angelo, Inc.  
36 E. Twohig, Suite 110  
San Angelo, TX 76903  
325-655-1234  
<http://www.downtownsanangelo.com/>

Tom Green County Appraisal District  
2302 Pulliam Street  
San Angelo, Texas 76905  
(325) 658-5575  
[www.tomgreencad.com](http://www.tomgreencad.com)

ASU International Trade Office  
2222 Dena Drive, Rassman Bldg. Rm. 101  
San Angelo, Texas 76904  
(325) 942-2019  
[http://www.angelo.edu/services/sbdc/ito\\_mission.html](http://www.angelo.edu/services/sbdc/ito_mission.html)

Concho Valley Center for Entrepreneurial Development (CVCED)  
The Business Incubator  
2009 West Beauregard Avenue  
San Angelo, Texas 76904  
(325) 657-9214  
[www.cvcad.org](http://www.cvcad.org)

Concho Valley Angel Network  
C/O Concho Valley Center for Entrepreneurial Development  
2009 West Beauregard Avenue  
San Angelo, Texas 76901  
<http://cvangel.angelgroups.net/>

San Angelo Development Corporation  
72 West College, Room 305  
San Angelo, Texas 76903  
(325) 653-7197  
[info@sanangelodevelopment.com](mailto:info@sanangelodevelopment.com)

Workforce Solutions of the Concho Valley  
202 Henry O. Flipper  
San Angelo, TX 76903  
(325) 653-2321  
(800) 996-7589  
<http://www.cvworkforce.org/>



*Small Business Development Center*

**OUTLINE FORMAT  
FOR  
THE BUSINESS PLAN**



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## **I. MISSION STATEMENT AND EXECUTIVE SUMMARY**

### **A. MISSION STATEMENT**

(Include company name, what you offer, what you stand for, and why you want to do this.)

### **B. EXECUTIVE SUMMARY**

(Summary of plan, written last)

### **C. FINANCIAL OVERVIEW**

## **II. BUSINESS DESCRIPTION**

### **A. NAME AND LOCATION OF BUSINESS**

### **B. PRINCIPAL OWNERS**

### **C. LEGAL STRUCTURE**

(Sole proprietor, Partnership, LLC, Sub-S or C-Corporation)

### **D. STATUS AND TYPE**

- 1) New start, expansion, acquisition
- 2) Manufacturing, retail, wholesale, service - or a combination

### **E. DEFINITION OF PRODUCTS/SERVICES**

- 1) Narrative
- 2) NAICS 722110

### **F. MAJOR STRENGTHS AND CHALLENGES**

(Size of town, # of restaurants: Compared to what you are offering, what background do you have to assist in the success of this project?)

### **G. STRATEGIC GOALS & OBJECTIVES**

(How will opening this restaurant contribute to the local sales tax, property tax, and employment base? Where do you see your restaurant going in the next five years and how do you plan to make that happen?)

### **III. OPERATIONS PLAN**

#### **A. LOCATION**

Does the location have an impact on your ability to reach customers?

What are the physical characteristics of the current or proposed location?

#### **B. PHYSICAL FACILITY**

- 1) Vehicle access for customers and suppliers
- 2) Inventory storage
- 3) Equipment, fixtures, and furniture
- 4) Electricity, heat, air conditioning, venting, and wastewater
- 5) Merchandise display
- 6) Customer seating
- 7) Product preparation space
- 8) Compliance with current and future environmental regulations
- 9) Capability for expansion

#### **C. SUPPLY**

(What are your sources of supply? Do you depend on a single supplier? Discuss supply alternatives, pricing, or other supplier factors that could affect your ability to manufacture your product or perform your service. If you could not get your ingredients from your main supplier, where would you get them and how would that affect your bottom line?)

#### **D. LABOR**

What skills and experience are required to operate this business?

### **IV. MARKET ANALYSIS**

#### **A. INDUSTRY TRENDS**

Projections/trends for your industry or business field (SBDC can assist with this research.)

At what stage of the product/service life cycle will your business enter the market? (Introduction, growth, maturity, saturation, or decline)

#### **B. DESCRIPTION OF TOTAL MARKET**

In order to generate a consistent and increasing sales flow, the entrepreneur must become knowledgeable about the people, businesses, or public institutions that might buy the product or service. One way to define the total market is to use important characteristics from the Internet, census, local chambers of commerce, the public library, trade associations, etc.

What is the present size of the entire market?

What is your market's growth potential?

Discuss the economic, social, demographic, and political characteristics of this market and the impact on your business.

### **C. TARGET MARKET**

The target market is the segment of the total market that is comprised of likely customers. A clear understanding of the **demographics**; geographic location, age, income, education, sex, etc. and **psychographic data**; likes, dislikes, and tendencies that affect purchasing patterns can help you develop a strategy to reach the target market through your sales plan.

- 1) What is the size of your target market?
- 2) What percentage of the target market do you anticipate?
- 3) Customer profile (This will come with the research.)
- 4) How will you attract and keep customers?
- 5) How can you expand your market?

### **D. DOCUMENTATION OF DEMAND FOR PRODUCT OR SERVICE**

Although personal experience is certainly a good basis for your assumptions, you must also provide proof from a third-party to add credibility.

- 1) Signed contracts, letters of interest or commitment
- 2) Market research (Data you gathered or that you purchased from a professional market research firm.)
- 3) Industry statistics
- 4) Previous sales history (from existing operation)

### **E. ANALYSIS OF COMPETITION**

- 1) Identify primary and secondary competitors.
- 2) How do they compare to your business?
- 3) (Sales volume, number of employees, locations, customers)
- 4) Is their business steady, increasing, or decreasing?
- 5) What are your competitors' strengths and weaknesses?
- 6) What have you learned by observing them?

### **F. PRODUCT/SERVICE DIFFERENTIATION**

What unique niche of the market will this business fill? Has anyone attempted to fill this niche? If not, why? Is there a patent, trademark, copyright, or trade secret that will give you a head start on the competition?

Where do you believe you have a business advantage? (Higher quality product, lower price, superior service, quicker delivery time, more convenient locations, other)

## **V. SALES STRATEGY**

### **A. PRICING POLICY**

What is the relationship between the price you will charge and the image of the business you are trying to create?

How will you price? (Mark-ups, discounts, labor/materials+profit, etc.)

## **B. DISTRIBUTION**

Describe the channel of distribution you will use to reach your target market.

How does the competition get its product to the market?

## **C. PROMOTIONAL EFFORTS**

Make sure your cash flow reflects monies budgeted for these activities and the image/position you are attempting to establish match your promotional activities.

### **1) ADVERTISING**

- a) Internet Website
- b) Direct mail ~ store sign ~ radio/TV
- c) Magazines, newspapers, and trade journals
- d) Trade shows ~ Novelties (calendars, pencils, magnets, etc.)
- e) Yellow pages

### **2) PERSONAL SELLING**

Every promotional effort is an expense of time or money. The advertising tools listed above involve substantial expenditures of money.

- a) How does this apply to your business?
- b) Customer service, knowledgeable staff
- c) Complimentary products/services
- d) Community involvement

### **3) PUBLICITY**

Newspapers, radio and television news stations cover stories of interest to their audience: unique offerings, interesting and special events. This advertising is free - if you can get it!

### **4) SALES PROMOTIONS**

- a) Temporary promotion - (samples/free product)
- b) Coupons/Rebates
- c) Customer Conveniences (major credit card acceptance, free or fee delivery, free parking, easy access, telephone orders, hours and days of operation.)

## **VI. MANAGEMENT PROFILE**

This section should include the personal history of the principals, related work experience, duties and responsibilities, salaries, organizational chart, and resources available.

### **A. PERSONAL HISTORY OF KEY PARTICIPANTS**

(Includes anyone with 20% interest in addition to your working staff)

Complete this section for each key participant in the business.

- 1) Business background
- 2) Management experience
- 3) Education (formal and informal learning experiences)
- 4) Experience in industry
- 5) Relate past experience to future success potential (Include letter of recommendation, if possible)

## **B. DUTIES AND RESPONSIBILITIES OF KEY PARTICIPANTS**

Organizational structure

(Who are the decision makers? Is there appropriate delegation of authority and tasks?)

Job descriptions

## **C. COMPENSATION**

(Salaries, hourly rates, other incentives)

## **D. AVAILABLE RESOURCES**

Do you have the marketing, management, and financial skills to do it all yourself? If not, then show relationships that fill the gaps to create a fully capable business enterprise. Do you network with others in your industry to stay current on changes in the marketplace? (This will include your list of people you can get in contact with who can assist you with information you need to run your business.)

- 1) Professional (lawyer, CPA)
- 2) Insurance
- 3) Consultants
- 4) Associations (chamber of commerce, professional or trade groups)

# **VII. FINANCIAL ANALYSIS**

## **A. PROJECT COSTS**

How much will it cost to open your doors?

These figures should be reflected in the pre-startup column of your cash flow statement. Allow enough working capital for expenses during the early period.

## **B. SOURCE AND USE OF FUNDS**

Of the total money you have identified for starting the business, how much are you contributing, and how much comes from the financial institution or investor? What are the monies being spent on?

## **C. CAPITAL EQUIPMENT LIST**

What major and minor equipment will you use in the business?

#### **D. PRO FORMA PROFIT AND LOSS STATEMENT (Income and Expense Statement)**

Summarizes projected gross sales, cost of goods sold, expenses, and profits (SBDC can assist with this.)

#### **E. PRO FORMA CASH FLOW STATEMENT**

- 1) Is your business seasonal?
- 2) Do your inventory purchases, advertising expenses, personnel costs, and other variable costs reflect this seasonality?
- 3) Can the business sustain itself over slow sales periods?
- 4) Can you afford to repay the debt of a loan and still survive? (What happens if you can't work or people stop eating the type of food you serve? Can you adapt? How will you repay the loan?)

Most financial institutions will require a three-year cash flow projection while some will ask for best, most likely, and worst case scenarios.

#### **F. ASSUMPTIONS**

Assumptions support the cash flow information. When we make projections about how much you sell, it will be based on logical information that you can draw from your past experiences. (Explains/justifies the cash flow projection figures.)

#### **G. PRO FORMA BALANCE SHEET**

Summarizes projected assets, liabilities, and net worth

#### **H. PERSONAL FINANCIAL STATEMENT**

- 1) Personal balance sheet
- 2) Personal cash flow statement
- 3) Have you made wise personal financial decisions?
- 4) Do you have resources to call upon if business cash flow is poor?
- 5) How will the loan be collateralized?

#### **I. PERSONAL INCOME TAX RETURNS (200X, 200Y, 200Z)**

Required for financial proposals

#### **J. BUSINESS FINANCIALS (Last three years, if purchasing a business.)**

Profit and Loss Statement, Income Tax Returns, and Current Balance Sheet

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## Start Up Costs

1. Inventory \_\_\_\_\_
  2. a. Real Estate Purchase or \_\_\_\_\_  
b. First Month's Rent and \_\_\_\_\_  
Rent Security (usually 2 or 3 months) \_\_\_\_\_
  3. Insurance (paid in advance) \_\_\_\_\_
  4. Advertising and Grand Opening Promotions \_\_\_\_\_
  5. Deposit on Utilities \_\_\_\_\_
  6. Phone Installation and Deposit \_\_\_\_\_
  7. Legal and Accounting Fees \_\_\_\_\_
  8. Sales Supplies \_\_\_\_\_
  9. Improvements (decorating/remodeling) \_\_\_\_\_
  10. Purchase of Van or Truck \_\_\_\_\_
  11. Equipment and Fixtures \_\_\_\_\_
  12. Registering Trade Name \_\_\_\_\_
  13. License and Permits \_\_\_\_\_
  14. Incorporating Costs (if applicable) \_\_\_\_\_
  15. Alarm System/Other Security Requirements \_\_\_\_\_
  16. Signs  
a. Inside \_\_\_\_\_  
b. Outside \_\_\_\_\_  
c. On Vehicle(s) \_\_\_\_\_
  17. Other Expenses Specific to Own Business \_\_\_\_\_
  18. Reserve \_\_\_\_\_
  - TOTAL** \_\_\_\_\_
-

## **IRS 20-Factor Test: Independent Contractor or Employee**

### **Basic Question: Who Has Control Over the Work Being Done?**

1. **Instructions.** Workers who are required to comply with others' instructions about when, where, and how they are to work are ordinarily employees.
2. **Training.** Training workers indicates that employers exercise control over the means by which results are accomplished.
3. **Integration.** When the success or continuation of a business depends on the performance of certain services, the workers performing those services are subject to a certain amount of control by the owners of the businesses.
4. **Services rendered personally.** If services must be rendered personally, employers control both the means and the results of the work.
5. **Hiring, supervising, and paying assistants.** Control is exercised if employers hire, supervise, and pay assistants.
6. **Continuing relationships.** Continuing relationships between workers and employers indicate that employer-employee relationships exist.
7. **Set hours of work.** The establishment of set hours of work by employers indicates control.
8. **Full-time required.** If workers must devote full time to employers' businesses, employers have control over workers' time. Independent contractors are free to work when and for whom they choose.
9. **Doing work on employers' premises.** Control is indicated if the work is performed on employers' premises.
10. **Order or sequences set.** Control is indicated if workers are not free to choose their own patterns of work but must perform services in the sequences set by the employers.
11. **Oral or written reports.** Control is indicated if workers must submit regular oral or written reports to employers.
12. **Payment by hour, week, or month.** This points to employer-employee relationships, provided that this method of payment is not just a convenient way of paying a lump sum agreed on as the cost of a job. Independent contractors are usually paid by the job or on straight commission.
13. **Payment of business and/or traveling expense.** Employers paying workers' expenses of this nature shows that employer-employee relationships usually exist.
14. **Furnishing tools and materials.** If employers furnish significant tools, materials, and other equipment, employer-employee relationships usually exist.
15. **Significant investments.** Workers are independent contractors if they invest in facilities that are not typically maintained by employees (such as an office rented at fair market value from an unrelated party). Employees depend on employers for such facilities.
16. **Realization of profits or losses.** Workers who can realize profits or losses (in addition to profits or losses ordinarily realized by employees) they are independent contractors. Workers who cannot are generally employees.
17. **Working for more than one firm at a time.** If workers perform services for a number of unrelated persons at the same time, they are usually independent contractors.
18. **Making services available to the general public.** Workers are usually independent contractors if they make their services available to the general public on a regular and consistent basis.
19. **Right to discharge.** The right of employers to discharge workers indicates that the workers are employees.
20. **Right to terminate.** Workers are employees if they have the right to end their relationships with their principals at any time without incurring liability.