

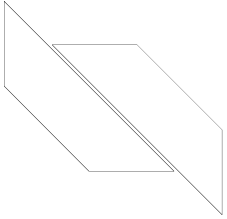


TOP 10 LEGAL ISSUES FOR START-UP BUSINESSES

Kevin Pethick
Managing Attorney



Austin & Pethick
Law Firm, PC

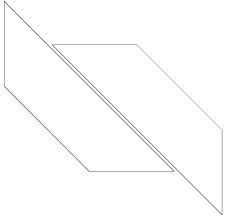


1. Business Structure/Asset Protection:

Types of Businesses:

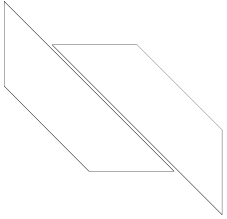
- **Sole Proprietorship**- not an entity, full liability, Sole Proprietor Limited Liability Company (LLC)
- **Partnership**- General Partnership, Limited Partnership (LP), Limited Liability Partnership (LLP), Limited Liability Company (LLC)
- **Corporation**- Statutory Close Corporation, Professional Corporation, Non-profit corporation

Visit our website to see a presentation with more information on each type of business if you are interested.



2. Partnership Structure/Buy-Sell

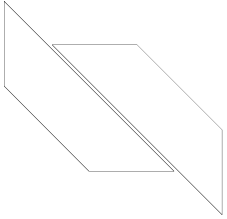
- Make sure you choose the right business partner.
- Have an attorney help you create a structure that protects partners and the business.
- Make sure you have an exit-strategy in place.



3. Non-Disclosure/Non-Compete Agreements

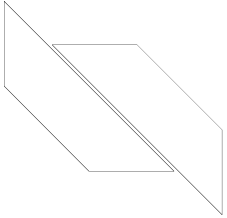
- **Non-Disclosure aka Confidentiality Agreement** requires outside vendors or employees to keep certain information private.
- Very important to protect your business.

- **Non-Compete Agreements** protects against employees taking your successful practices and using it to start or improve a competing company by restricting employees from entering into a similar profession or trade that provides competition.



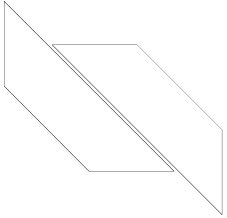
4. Real Estate Decisions

- Build, Buy or Lease?
- Will your business remain static or need to move buildings?
- What type of capital do you have available for real estate?
- What type of zoning do you need for your business?
- What area is best for your business?
- Consider competitors when choosing real estate.
- Ensure the lease or purchase agreement allow you to fulfill all business needs and do not include any restricting language.



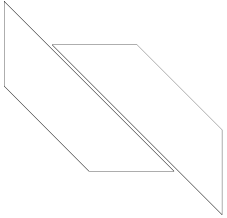
5. Intellectual Property/Trademarks

- Perform a search before choosing a business name and brand to ensure you are not infringing on another company's trademark.
- **Copyrights**- literary and artistic work
- **Trademarks**- items that define a company ie logo
- **Patents**- invention



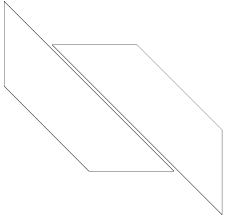
6. Employment Matters (Independent Contractor vs. Employee Classifications)

- **Independent Contractors** pay a self-employment tax.
- Employers must withhold income tax and pay medicare taxes, unemployment taxes, and social security for an **employee**.
- Employee decisions also affect the type of coverage you need in regards to Worker's Compensation and other protections.



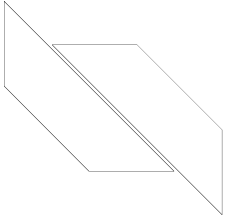
7. Worker's Compensation

- Any company with 4 or more employees is required to maintain Worker's Compensation Insurance in the state of SC.
- Employee Matters will dictate other Worker's Compensation Insurance requirements.



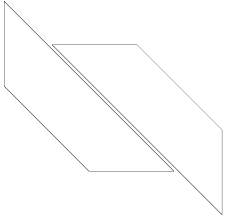
8. Corporate Compliance

- Ensure your company is up-to-date with Federal, State and local laws and industry regulations for all areas of operation.
- Rules and regulations are constantly changing, to avoid penalties it is best to stay in contact with an attorney who can help ensure compliance.



9. Licensing

- Industry
- Federal
- State
- City
- County
- Professional bodies



10. Estate Planning

- Ensure the business is protected and the business plan matches up with your estate plan.

THANK YOU!

Kevin Pethick
Kevin@AustinPethick.com
(803) 226-0453
www.AustinPethick.com

