

MAY 23, 2018 – PENNSYLVANIA BUSINESS NAME PUBLISHING FORM

The Pennsylvania Department of State has been made aware of Business Name Publishing solicitations (PDF) that are being mailed to recently-formed Pennsylvania businesses or to recently-registered fictitious names from a bogus company calling itself "Pennsylvania Business Name Publishing." The letter urges the business to remit \$200 in order for the bogus company to publish advertisements of the business name in approved newspapers and avoid a \$500 penalty imposed when "the entity seeks to enforce [a] contract and subsequently published a fictitious name in an untimely manner."

This is a partial SCAM. There is no company registered to do business in Pennsylvania by the name of "Pennsylvania Business Name Publishing." The address used by this fake company is that of a UPS Store located in Harrisburg. The scammers appear to have purchased company formation data from the Department of State and are targeting newly-formed businesses and recently-registered fictitious names. The mailing contains some incorrect and overbroad information. Pennsylvania corporations are required to advertise their intention to file or the filing of articles of incorporation. Proofs of publication of such advertising should be filed with the minutes of the corporation. Fictitious names *involving individual parties as registrants* are similarly required to be advertised. Proofs of publication of such advertising should be kept with the permanent records of the business.

Pennsylvania law does prohibit entities that are doing business under a fictitious name but have failed to register that name from bringing a lawsuit in the Commonwealth until the name is registered and a \$500 civil penalty is paid to the Department of State. 54 Pa.C.S. § 331. Additionally, the effect of failure to advertise when required by law will be that "no legal proceeding, matter, or case in which notice is required to be given by official or legal advertising, shall be binding and effective upon any interested person unless such official and legal advertising is printed and published" in the manner required by law. 45 Pa.C.S. § 307.

The Department maintains a Geographical Listing of Legal Publications to assist businesses in advertising. It also recommends that businesses employ the services of a reputable organization or law firm to assist with advertising. The Department is alerting all Pennsylvania business entities of this deceptive solicitation to prevent Pennsylvania business from paying for a "service" that may not be necessary and may be rendered by an unregistered company.