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How Do You Say Shower?! - Transcript

[Speaker 1]

Welcome to Charity Therapy, the podcast where we explore the ups and downs of the nonprofit sector and answer your burning questions. I'm your host, Jess Birken, owner of Birken Law Office, and I'm excited you're here. Imagine hanging out with me and my super smart, funny nonprofit expert pals.

You get to ask them anything about your nitty gritty nonprofit life and get their wisdom for free. Whether you're a seasoned pro or just strapping on your nonprofit boots, we're here to share stories and remind you, you're not alone on this journey. So get ready to join the conversation and bring me the tough questions.

I ain't scared. Ready to rock? Let's dive in.

Hey, hey, hey, welcome to this episode of Charity Therapy. I'm your host, Jess Birken, and apparently I say shower weird. We're going right into it.

Hey, Meghan just told me that I say shower and she says I can hear you're from Wisconsin.

[Speaker 2]

This is the ultimate divide is that, you know, we're both Midwestern, but I grew up in Minnesota and Jess grew up in Wisconsin. And there's not that much of a difference sometimes. But every time she says shower, I'm just like, oh, man, Wisconsin.

I don't say shower weird. It's like shower.

[Speaker 1]

You're saying everyone else says show, show. No, I say shower, shower, shower versus shower. The more Minnesotan version is shower.

[Speaker 2]

Do you like I need to know if people hear the difference or if I'm crazy.

[Speaker 1]

So please, please, please get on the socials. Please write into the pod because now I'm questioning my life. Do you say shower or shower?

Do you say shower? Do you say shower?

[Speaker 2]

Shower. Shower. Whatever.

[Speaker 1]

I really want to know.

[Speaker 2]

Anyone who's not from the U.S. is like, shut up.

[Speaker 1]

Please send me a voice note with how you pronounce the word shower. Yeah.

[Speaker 2]

OK. Anyway, now that we have that really important content.

[Speaker 1]

If you're not from the U.S., please doubly send me a voice note because I want to hear your accent.

[Speaker 2]

Yes, exactly. We have our own Midwest accent, but I want to hear everybody else's. OK, now that that.

All right. What are we actually doing? The ultimate question.

OK, let's talk about compliance. Not actually, that's boring, but let's talk. Oh, don't flip off the podcast right now.

I take it back. One of the things that we help with is compliance stuff, though, because no one likes to think about it. So for our clients, we're the ones that keep track of that.

And we were sort of recently going over all the things that we help our clients keep track of. And like one of the things that we help them remember that they need to file for is DBAs. And at first I was like, what the heck is a DBA?

So, Dus, what is a DBA?

[Speaker 1]

A DBA, that's an acronym that stands for doing business as. Sometimes it will be referred to as an assumed name. It's like your business goes by two names.

So you have your main name and then you have your other name, like you have Prince and then you have whatever the symbol thing.

[Speaker 2]

Artist formerly known as Prince. Yes. Yeah.

There you go. Yeah. Very good.

So you have to actually like file for that, like at the state level, right?

[Speaker 1]

Yes. So you can't like have checks made out to your company by some other name because that name's not on your bank account. So the bank is like, you're trying to steal somebody's money.

What is that? So you need to register the assumed name to prove that you own that name, that you are doing business under that name so that your bank will take checks. But then also from a consumer protection standpoint, the state wants you to register any names that you're going by so that if you're like Shady McGee's bad fence company, we rip off people who need fences.

And then you start operating under Golden Angels Fences, All the Best Fences, Inc. Like people need to be able to figure out, oh, actually Shady McGee owns this company. The speed at which you came up with that example was unhinged.

You can't see it, but Meghan was like squinting and shaking her head at me like, you are so freaking weird, Jess.

[Speaker 2]

The commitment to that metaphor was unhinged. It's not, it's just how I talk.

[Speaker 1]

No, I like it.

[Speaker 2]

I do know this. I just, it still surprises me sometimes. What I'm willing to say on this microphone.

Yeah, yeah, really. Anyways. So does that, are we good?

[Speaker 1]

I feel good. Do you know what an assumed name is now?

[Speaker 2]

Yep, that'll make sense. It's like, yep, great. So let's get into the listener question.

So person writes in and says, when does it make sense to file an assumed name? We recently did a legal name change for our, with our articles of incorporation for the nonprofit. And our vice president suggested we file several assumed names.

The old name of the organization, the acronym of our new name, our new name without the incorporated at the end of it, the name of one of our programs, et cetera. She suggested like eight filings in total. I'm worried that we're going to be wasting time and money keeping up with that many different assumed names.

What do you think?

[Speaker 1]

It's a little much. I was with them on the first couple for sure. Because anytime you change your name, it's a pain in the butt.

Yeah. Because your bank account's probably in the old name. You got donors who are writing checks to you in the old name.

You've got a lot of other weird accounts and things in the old name. So like at least for a year, I think it makes sense to have a DBA in the old name. So there's like no question, no problem.

Just make that transition a little smoother. The acronym of our new name, I could get behind that. Especially if it's like, you know, we work with a lot of clients that, like a lot of trade associations, they go by like their acronyms.

You know, so people might make payments to the acronym.

[Speaker 2]

Some organizations specifically choose their name because they like the way the acronym sounds. You definitely have organizations where the acronym is a word and people might not realize that it is an acronym for something else. It stands for something.

And so then it's like people could reasonably get confused about the name of the organization. And that makes sense to me.

[Speaker 1]

Yeah. And if that's the case for this organization and they use the acronym a lot, then yeah, I think that could make sense. Our new name without the ink at the end, though?

No. No one cares. Who cares?

That's silly. That's just silly. And then the name of one of our programs, like it depends.

Like if the name of the program is like trademarked and maybe it's like you're an organization and you have multiple summer camps and the parents at the end of the week want to make a donation to the camp and it's like Camp Wauwetan. That was my summer camp when I was growing up. It could make sense.

But like I wouldn't do it just because. Like you need to have a reason because to this listener's point, you're going to be keeping up on all these DBAs. Yeah.

And as Meghan has learned, it's pain in the butt.

[Speaker 2]

Yes, it is. It's all different filings for every single year. And I think the biggest thing here is, you know, the ones that you were like, yeah, do that.

It was for the reasons of it'll make your life internally easier because of like bank problems or other problems and or helps resolve any confusion that others may have about the nonprofit and like where it's all going to. So it's like if no one is confused about who is running this program and that all donations actually funnel back to the actual name of the organization.

There's really no reason, you know, same with like if the acronym is like super obvious that this is who you're talking about, like who cares, you know?

So it's like don't do it just for the sake of doing it. But if there's like actual real confusion or administrative problems that need to be resolved, then go for it. File a DBA.

But don't do it just because.

[Speaker 1]

If you're doing it to like smooth a transition, like say you're going from like best nonprofit ever to. As a name. Not that you're going downhill.

Wiener Dog Rescue. Like it's just completely different. And you will just be going away from the old name.

You can register the DBA and like it'll expire probably after a year. And if that's OK, then it just expires and goes away after a year. Fine.

But if you are going to have to keep it up, you have a corporate registration you have to renew every year. And you will have to do the same for each and every assumed name. And it's not that it takes a long time.

It's just somebody's got to keep track of it. Somebody's got to remember to do it. And this is why our clients pay us the subscription dues to take care of these things for them, because more often than not, people are busy and this is not their most important thing and they forget.

And then you lose all your DBAs and now you have to refile them.

[Speaker 2]

And I mean, not that someone is just like waiting for you to lapse your registration, but if they do lapse and it is something you use all the time, there is like an actual potential that someone is like, I'm going to start a business with that name. Like you don't have rights to that name anymore in your state. Like you can't say no, we're using that name and no one else can register a business of that name.

So that it's silly and small on one hand, but it's also like easy to forget. And there could be something that comes negative out of it too. So it's just like, don't give yourself the headache if you don't have to.

Okay. All right. What are our takeaways, Meghan?

Yeah, this is a pretty quick episode, but I think we covered it. So first of all, if a nonprofit or a business goes by multiple different names, you need to be registering those names with the state that the nonprofit or business is registered in. So doing that is a DBA or an assumed name filing.

And it does come along with some like annual compliance to keep it up, just like everything else in the nonprofit world. And it's a good idea to file those assumed names when you have a real reason to, but you also do not need to think of every single variation on your name that might ever come to be and file those DBAs just because it's not something that is required of you and will just give yourself more work and headache down the road. That being said, if you did change your name recently, filing a DBA for the old name might make your life a little bit easier in the transition.

That's everything I had. Was there any other takeaways, Jess?

[Speaker 1]

Nope, I think that's good. That is good. Just don't let this vice president be in charge of the DBAs because they want to do too many.

Yeah, right.

[Speaker 2]

And actually, I will just plug, if there is a organization that is going through name changes right now, we had a really great episode a while back about branding through a name change. So I'll link it in the show notes.

[Speaker 1]

Go listen to that. Put in the show notes. Folks, if you enjoyed this episode, do me a huge favor. Rate it. Review it. Share it with a friend. Do you have a vice president who wants to register 87 DBAs? Have an intervention. Let this podcast lead the way.

It really helps us out if you share the pod. If you have a question or a story, please send it to charitytherapy.show. I would love to hear from you and we'll catch you next time.

About the Author



Hi, I'm Jess Birken.

I'm the owner of Birken Law Office, I help nonprofits solve problems so they can quit worrying and get back to what matters most – The Mission. I'm not like most attorneys, I actually have an outgoing personality, and – like you – I like to think outside the box. Most of my clients are passionate and have an entrepreneurial spirit. I'm like that too. My goal is to help you crush it. Getting bogged down in the minutia sucks the joy out of the important stuff. My clients want to do the work – not the paperwork.

Let's connect!

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