

FICTITIOUS BUSINESS NAME INFORMATION

RE 282 (Rev. 7/18)

General Information

The Real Estate Law requires that a fictitious business name must appear on your broker or corporation officer license *before* the name may be used in conducting activities for which a real estate license is required. Refer to Section 10159.5(a) of the Business and Professions (B&P) Code.

Commissioner's Regulation 2731 provides as follows:

2731. Use of False or Fictitious Name.

- (a) A licensee shall not use a fictitious name in the conduct of any activity for which a license is required under the Real Estate Law unless the licensee is the holder of a license bearing the fictitious name.
- (b) The Department shall issue a license required under the Real Estate Law only in the legal name of the licensee or in the fictitious business name of a broker who presents evidence of having complied with the provisions of Sections 17910 and 17917 of the Code.
- (c) The commissioner may refuse to issue a license bearing a fictitious name to a broker if the fictitious name:
 - (1) Is misleading or would constitute false advertising.
 - (2) Implies a partnership or corporation when a partnership or corporation does not exist in fact.
 - (3) Includes the name of a real estate salesperson.
 - (4) Constitutes a violation of the provisions of Sections 17910, 17910.5, 17913 or 17917 of the Code.
 - (5) Is the name formerly used by a licensee whose license has since been revoked.
- (d) A license may not be issued or renewed with a fictitious business name containing the term "escrow", or any name which implies that escrow services are provided, unless the fictitious business name includes the term, "a non-independent broker escrow" following the name. Licensees who have been or are issued a license with a fictitious business name with the term "escrow", or any term which implies that escrow services are provided, must include the term "a non-independent broker escrow" in any advertising, signs, or electronic promotional material.
- (e) Where a licensee is a natural person, the use of a nickname in place of his or her legal given name (first name) shall not constitute a fictitious name for purposes of this section, provided that where the nickname is used, the licensee also uses as a surname (last name) his or her surname as it appears on his or her real estate license, and includes his or her Department-issued license identification number as required by Section 10140.6 of the code.

If you are a licensed broker working in the capacity of a salesperson for another a broker or corporation, their fictitious business name is

not required on your license. Do not list your employing broker's or corporation's fictitious business name on your applications.

Some DBA names cannot be issued or may require documentation and clarification per Regulation 2731.

Adding A Fictitious Business Name

When applying for a Fictitious Business Name Statement (FBNS) at the county clerk's office please note the following:

- **Registrant** — List the licensee's name as one of the registrants. **Note:** If a licensed broker, the FBNS must be filed on behalf of the broker. If a licensed corporation, the FBNS must be filed on behalf of the corporation.
- **Address** — List the main office address (as shown on DRE records) in the business address field.
- **Fictitious business name** — List the name exactly as it will be used.
- **Proper county** — File the FBNS with the county clerk in the county where your main office is located. The FBNS submitted to DRE cannot be more than five years old. In addition to filing the FBNS with the address matching the main office, you may also file an additional FBNS in the county where a branch office is located (using the branch office address) and where the DBA is also going to be used.
- **Proper stamps** — The FBNS submitted to DRE must bear the "Filed" stamp from the county clerk's office. **Note:** "Proof of Publication" is not acceptable unless it bears the "filed" stamp.
- **Completed FBNS** — Submit one of the originals or a legible photocopy with the appropriate DRE application (see below).

Broker — Submit the following:

- FBNS and a Broker License Application (RE 200), if applying for a broker license, **or**
- FBNS and a Change Application For Broker Licensees (RE 204), if adding during the license period, **or**
- FBNS and a Broker Renewal Application (RE 208), if adding at renewal time.

Corporation officer — Submit the following:

- FBNS and a Corporation License Application (RE 201), if applying for a broker-officer license, **or**
- FBNS and a Corporation Change Application (RE 204A), if adding during the license period or at renewal time.

Salesperson Owned Fictitious Business Names — Submit the following:

- Add/Cancel Salesperson Owned Fictitious Business Name (RE 247). Both the salesperson's and employing broker or broker officer's signature is required to license a salesperson owned fictitious business name.

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Cancelling A Fictitious Business Name

Broker — Submit the following:

- Broker Change Application (RE 204), if cancelling during license period, **or**
- Broker Renewal Application (RE 208), if cancelling at renewal time.

Corporation officer — Submit the following:

- Corporation Change Application (RE 204A), if deleting during license period or at renewal time.

Salesperson Owned Fictitious Business Names — Submit the following:

- Add/Cancel Salesperson Owned Fictitious Business Name (RE 247). Only the employing broker or broker officer's signature is required to cancel a salesperson owned fictitious business name.

You may also wish to file an abandonment of the DBA with the county clerk.

Mailing Information

Mail the appropriate documents to:

Department of Real Estate
P.O. Box 137004
Sacramento, CA 95813-7004
