

TRANSCRIPT

On Your Terms



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Episode BONUS:

BONUS Q&A EPISODE: LISTEN IN AS I COACH MY CUSTOMERS

Sam Vander Wielen:

Hey, hey. And welcome to this very special bonus episode of On Your Terms. I've never done a bonus episode. Honestly, I feel like all the episodes are bonus episodes, but this one is super bonus for you because we have a major sale going on for the Ultimate Bundle right now.

The Ultimate Bundle is my signature program that gives you now 13 DIY legal templates, all the contracts and website policies you need, support from me, community access, updates, lifetime access, all the fun things. Plus, if you buy before February 23rd, you get access to four live Q&A calls with me. So throughout the year, we'll host one per quarter. One of them is even going to be with a CPA, so you can ask tax questions, business expense questions. So those are really cool because we don't offer those normally. And if you buy by the 23rd, you get access to all four of those live Q&A calls with me.

So we thought it would be really fun if we gave you a little sneak peek behind the curtain to see what our live Q&A calls have been like in the past so that you know what could be in store for you. But I also tried to pick questions that I think will be really, really helpful for you in legally protecting your online business.

So here's how it's going to work. I'm going to play some clips for you, some questions that I got from my Ultimate Bundle members during our live calls. We'll share my answer. And then I'll chime in with giving you a little context along the way, because, well, especially upon reflecting their questions too, I want to help guide you as to like what's really behind their question. Because even though they're asking really good questions, a lot of times there's either a misunderstanding or a myth or something that's kind of like behind their questions that we'll dig into in this episode.

So are you ready? Let's dive in to question number one about scope of practice and naming your business.

Female 1:

So currently, the way that my business is, it's an LLC and it has a word therapy in it. So the question is, I don't want to muddle the water, so to speak. I want to have clarity in terms of online activity being as coaching. And then if I do anything in my state, then that would be therapy. So how do I, aside from the disclaimer, I already did that in my contract, what are the important things? Should I keep them completely separate into different businesses? Can I combine it? And what should I pay attention to?

Sam Vander Wielen:

Yeah. Okay. That's a very good question. So, in general, for anybody who's in the, like has some sort of like professional association or professional degree or something like that, and then is trying to create a coaching business, you never want the name of your professional thing to be in your coaching business name. So if this was me, I wouldn't have Sam Vander Wielen Law Firm LLC or something like that or Sam Vander Wielen Legal Services LLC. Like I don't want anything to do with being a lawyer being in the title.

So I think you're really on the right track in terms of making sure that these are two very separate and distinct things. And I've talked about this before, and there's a training in the bundle on this about how the problem with having one LLC and then having multiple DBAs under it as separate businesses, which is perfectly legal and you can do that, the problem is that you expose them to each other legally. So if you have multiple DBAs, let's say for your therapy practice and then the other one is your coaching practice, and your therapy practice gets sued or vice versa, then the assets of the other business are completely fair game because it's all under one umbrella LLC.

This is why big, big, big corporations separate everything. And they have a million different businesses, and they have a whole big like organizational chart. So it's why I don't love people who have some sort of like professional degree or something like that having their coaching arm be

under the same thing. I think it exposes your license and I think it just makes it nice and neat for you to be able to argue that you're not doing this.

So really what was at the heart of this person's very good question is that this is somebody who's had a professional career who now wants to transition into having some sort of coaching business. I see this a lot because people who have had professional careers, jobs, licenses in different ways. They want to take advantage of the benefits of coaching which are, like, there are a plethora of, including having no boss, time freedom, location freedom, being able to work with more people.

Because if you have a license, for example, to, like, if you're a doctor in California, you can only practice medicine and see patients in California. But if you become a coach of some variety, you can see people all over the world. So they're able to do all of that. They also just have like job flexibility in general. They kind of set their own time and hours and who they want to work with. And I think you're probably all familiar with all the benefits of having your own business and coaching versus working for someone else under a professional license.

But what I see a lot is that when somebody has some kind of professional license or even like has had a professional career of some sort, has a really impressive title, like doctors, lawyers, nurses, therapists, they want to use that title, understandably so, but for credibility purposes. But then at the same time, they are aware of the fact that they have to be very careful about exposing their professional license.

So it's a bit of a balance because I think people are like coming into a space where they see a lot of people who aren't license and some of them are not qualified to be teaching what they're teaching. And then they feel like they need to use their license to establish themselves and give themselves credibility. But it's a little bit of having your cake and eat it too problems. It's a balance.

So I think the key takeaway here in this person's question and what I was trying to get at was that you have to keep your coaching and your professional work separate to try to stay out of legal trouble. So I don't

recommend using your professional title or credentials very heavily in your business in general, let alone in your coaching name, like in your business name.

So I would really make it clear that these are two very separate things. Like if you're starting a coaching business, this is a coaching business. And you have to remember that you are starting this because of all those benefits that we just talked about, and that's what you want access to. And if you were acting as a doctor, therapist, nurse, lawyer, whatever, accountant, you wouldn't be able to do those things. So you can't have it both ways. If you want to start a coaching business because of all the benefits, then you've got to act like a coach, which means you can only do what a coach can do, and it doesn't matter if you're a doctor, lawyer, nurse, therapist, whatever.

So I would just keep this very clear. I wouldn't run both of your coaching and your professional businesses under one LLC. That's definitely something I would recommend against because when you run multiple businesses under one LLC, you're exposing all of them to legal liability to each other. So the best thing is to just have separate businesses, almost act like, I would kind of like encourage people to pretend like they're putting on different hats. Like, if you still have your professional career, you've got your like professional doctor hat on over there. And then when you're a coach, you're a coach. You're not a doctor acting as a coach. You're just a coach. And that's all you can do. So treat them very separately.

Female 2:

My malpractice tells me that they cover me outside of my, I only hold a license in one state, and they say, yeah, you can do coaching consulting in states that are unlicensed because there's no license to be had as long as you're not diagnosing, prescribing, you're doing coaching. And they say that, and I've not done it yet, but I'm about to launch this program where I'm going to be putting it out into the states that are unlicensed as well as my licensed state.

And so I just kind of want to make sure do I need to do anything else besides rely on this? It's a little bit like the fox is watching the hen house if I'm asking the malpractice. Like, I know there's other people who

say otherwise that I wouldn't be covered and so I just want to triple check before I put that out into the world. Any thoughts on that?

Sam Vander Wielen:

Yeah. I think that what they're going to do knowing having dealt with so many insurance companies is that if they're saying to you that they cover you for coaching, then you just then need to make sure that anything you're doing only falls under the umbrella of coaching because what they're going to try to say is, oh, but the advice that you gave was outside of coaching. So we told you we cover coaching in all 50 states, but now you just gave advice that only a nurse, a therapist, a doctor, a lawyer could give. Right?

So that's where it has to become very clear that you're only giving information, educational resources, support that a coach could give because then you would be in a really good position to turn to them and say, but you cover me for coaching.

Yeah. So this one hits very similarly to the one that we just answered about scope of practice and making sure that you're staying within your scope. But what was really, I think at the heart of this question was this being an example of having to walk the walk. If you have a license of some variety, or even if you don't, it really does not matter if you were ever a doctor, lawyer, nurse, accountant, anybody with a license, you have to actually stay within your scope of practice to get coverage by your malpractice insurance.

And by the way, malpractice insurance is just one of the forms of business insurance. So when I say malpractice insurance, it is a type of business insurance. A lot of people will generally refer to it as business insurance, but that is not accurate. If your malpractice insurance is for a coaching business, for example, and then you give a legal advice, like something that's outside of your scope of practice.

So you have a coaching business, but you give medical advice, like only that a doctor could give, you give legal advice that only a lawyer could give, you give financial advice that a certified financial planner could give. Then your insurance company, if like you ever gotten in trouble, a

client sued you or something happened, your insurance company might say to you, and be right, sorry, you're not covered for that because we covered you for coaching. Your malpractice insurance is for coaching services. What you did, what you're being accused of is outside the scope of coaching and therefore that's not covered.

That's why it's so important to learn what constitutes coaching versus something that's outside of your scope of practice. And that's why I spend so much time teaching you it in the Ultimate Bundle. So I would focus on giving the kind of help and information and support that a coach could give. That way you keep within the rules of your insurance, and you make sure your coaching doesn't get mixed up with any licensed professional work or just being accused of doing something outside the scope of practice.

Arthur:

I'm in the process of actually, over half done, setting up a coaching business for young artists getting into the college of their choice. So it would be online group coaching. I'm wondering, and then also I'm thinking of maybe not simultaneously, but on doing a different business of wholesaler for Amazon products.

So in the back of my head I was thinking, well, probably an LLC for the actual products that are going to people's houses, but would the coaching need LLC or would it be best to do all LLCs or could the coaching be done as a business as or even something like a YouTube channel if that, down the road, that's my question.

Sam Vander Wielen:

Yeah. Sure. Yeah. So you would want a business established for each of those probably separately because they're completely different. So with coaching, you would definitely have an LLC. And then with Amazon wholesaler business, you would also have an LLC because there are all kinds of like products, liability issues that come from selling products.

So, yeah, that's what I would explore. So I know you said you hadn't had time to dive in yet, but you'll enjoy, um, module one, because it gives you all the stuff that you need in terms of understanding, like what kind of business to register and all of that. So that's how I would set it up.

And then in terms of, Arthur, your question about like, this is a question I get a lot from people saying like, I'm going to start like a YouTube channel or a podcast. That's just a marketing channel of your business. So podcasting of themselves, like YouTube channels, Instagram accounts, they don't need their own businesses. That's just a marketing arm of your business.

So when you start, for example, the coaching program, and then you have a YouTube channel, that's like providing content, creating content to attract new customers. That's just part of your marketing. So that's okay. And that kind of like folds under it. And that's what I'll teach you in the bundle when you have time to catch up on those videos, that's what I teach you about like making sure that your content all will fit under your business. So you'll get that protection that you need.

So this is such a good question because I know when you are a multi-passionate entrepreneur and you have a lot of different things going on or you have a lot of interests that you want to pursue as different businesses or even if you are somebody who already has one kind of business like I see this a lot when people have brick and mortar businesses, or maybe like their partner has a business and then they say, like, oh, I don't want to go through all the trouble of starting another LLC. Can I just tack this one on to the one I've already created or this other business that I have? Can I put multiple businesses under one LLC?

So when you're setting up different kinds of businesses, like a coaching business, and then maybe like something completely separate, like it sells physical products on Amazon that are completely unrelated to your coaching business, it's smart to create an LLC for each if an LLC is in fact the best business entity for you.

So when these businesses are totally different ventures, like having an LLC means that you're covering yourself legally, especially because for example, selling products on somewhere like Amazon or Etsy can come with something like product liability issues. For example, like if you sell, I don't know, hair straighteners and somebody singes their neck or something like this, that's a product liability issue versus like your coaching

business is going to be more like professional liability. Like you told me to go to the gym and throw a hundred pounds over my head and it broke my neck, right?

So they're completely different issues and that's why we want to keep them separate. But that from a legal perspective is because they are legally exposed to each other when you have various businesses housed under one LLC. So while you can house different businesses under an LLC, it is not a good legal idea. That's essentially the answer for that one. And that's what I was trying to get at.

The other thing that I was trying to get at with this question is something I get asked a lot, actually. It's just like, if you're creating something like a YouTube channel, a podcast, like even a TikTok account or something like that, people ask me if they need to form a business for those things, right? And I know they feel like their own thing, right? Like I have a podcast, On Your Terms. It's its own thing. It has a name. It has a logo, all that kind of stuff.

But these things that we're talking about, like podcasts and YouTube channels, they're just part of your marketing efforts to attract more customers to your business. It's just a marketing channel for your business. So if you're sharing content to help grow your business and it falls under like the kind of content that you talk about in your business, then that's just a marketing channel as part of your business. You're doing it on behalf of your business. It's also why you'll see like in my show notes, for example, or on my website, when you go to like read any of the pages about my episodes, these episodes are put on by Sam Vander Wielen LLC, not me personally, right? I'm the host of it and I own the company, but it's put on by my business. It's an extension of my business. So that's why I gave that recommendation.

Female 3:

So I am a doctor of physical therapy, currently working full time. And I'm in the middle of launching my online coaching business, not physical therapy services, but coaching. So completely different because it's going to be a conflict of interest with work if I launched PT and I don't want to

deal with all the crazy legal stuff right now, at least with offering physical therapy services.

So in with all that, I also have a pretty substantial Instagram social media account which I post a lot of content, and that's how I'm going to launch my coaching through. I currently don't have a DBA. So I have my LLC, but my question is, I guess I'm just confused about what exactly it constitute as a DBA, like should I put in like my Instagram handle as a DBA, or my name as a DBA, so that when I'm giving not advice, but just education across my platforms, I'm covered liability wise?

Sam Vander Wielen:

Yeah, that's a very good question. And congrats on the launch of the course. So first, let's just like go over what DBAs are too so everybody understands how this like applies to the conversation. So when you register your business, you can either just like, what was that name? Or you can register what some states call a DBA, which stands for doing business as, other states call it alternate name, fictitious name, all this kind of stuff. Those are just basically names that you go to your state, and you say, in my marketing, I am known as this, right? And so if you've watched the videos in the bundle, you've seen like the example I always give is Target. They are actually Target Brands Inc, right? Nobody wants to see that on the side of their building. So they have DBAs all over the place and trademarks for Target, right? So that's just a weird thing. Yeah.

So with that being said, like, how do you plan to market your name? Or first, let me ask you, what's your LLC name?

Female 3:

Move Your Bones LLC.

Sam Vander Wielen:

And is that what you plan to put like on the bottom of your content and stuff like that? Are you going to be putting your name kind of like I do?

Female 3:

Kind of both.

Sam Vander Wielen:

And I would just say, I mean, there's no harm in doing a DBA, right? Like you can register one. In many states, you can do like 50, you can do a lot. So yeah, I wouldn't necessarily recommend that approach, but you could, if like something terrible happened. But I think like if you're going, well, first I would probably encourage you to think about which one you want to do and go with it, right? Just for like ease sake and also people associating you with it. And like, I know you have a sizeable account already. So people are like always knowing you by your name and that's what you're going to do, right? So happen with me. Then I would just recommend doing a DBA in your name and like going with it. Like put your name on everything.

Move Your Bones can be your LLC name so that when they sign your agreement, for example, it would just say this contract is by and between Move Your Bones LLC, DBA, and then you could have that. So if you feel like you're not even going to like use that name directly, other than when people like pay you, sign your contract, maybe visit the bottom of your website at some point, then it seems like it makes sense just slap one on there.

I love this question because so many people think that a DBA is a kind of business. It's like a way to register your business. So keep in mind a DBA, which stands for, by the way, doing business as, in your state, they might not call it a DBA, because I wish, as I always say, I wish I could get all 50 on board, but I have not successfully done that yet. So, some people call it a DBA. Some people call it AKA. Some people call it an alternate name, fictitious name. Every state calls it something different. Kind of the general term that we use, though, for this is DBA. So, your state might not technically refer to this as that, but they are all the same thing, legally.

So, keep in mind that a DBA, or whatever your state calls it, is not a business type. It's not a way to register your business. It's not an alternative to registering your business. So sometimes people will say to me like, oh no, I didn't get an LLC. I got a DBA instead. That's not a thing, right?

So a DBA is something that you register in addition to forming your business. Like in addition to forming an LLC or a sole proprietorship, a partnership, a corporation. It's what you register if you want to go buy a different name in your marketing than what your legal registered business name is. So the horrible example that I always give to you is that if I wanted to start a cupcake food truck, right, and I started this business, like I registered in the State of New York as Sam Vander Wielen LLC, right, nobody wants to come to a cupcake truck called Sam Vander Wielen LLC.

So I would probably come up with a really cute name that I can't create right now on the spot, but like, okay, Sam's Delicious Cupcakes, that's always the example I give. So if my cupcake truck, which you obviously would come to, was called Sam's Delicious Cupcakes, I need a way to link the Sam's Delicious Cupcakes to Sam Vander Wielen LLC legally.

Because if you came to my cupcake truck and you ate a cupcake and it turned out that I mislabeled it and you had an allergic reaction and you tried to sue me, the truth is you're going to sue me under Sam's Delicious Cupcakes because when you lined up to buy that cupcake, that's the name that you saw on the side of the truck, right? So, and that's probably the name that would be like, on my social media handles, my domain name, on my website, all of that kind of stuff.

So that's how we legally link. When you register a DBA, you're saying to your state, this is the name I'm going to go by in my marketing, and I want like the legal right to still utilize my LLC and get the protection from it that I have. Like the personal liability protection so that you can't be personally sued. And that's how you link the two together.

So to recap, a DBA allows you to register a business name that's different than your LLC's legal name so that it sounds better in your branding and your marketing. That's particularly relevant if you're leveraging things like social media, Instagram, et cetera, to launch and promote your services or your products.

If your online presence and marketing efforts are tied to like a specific name or handle that's different from your LLC name, then registering a DBA could help give that legal connection that you need between your business

name and what you're actually going as. It's essentially like a linked bridge between your public facing brand and your legal business name or structure, enabling you to maintain like a cohesive and professional image while also ensuring that you get that legal protection from the business that you've formed.

So that's really the gist of a DBA. Like it's not, I think the main point in this question that I wanted to get at too is that it's not an alternative to registration. It's not like that's something that you can kind of get away with not registering your business. It's something we do in addition to our LLCs. And it's really important to know that because I do hear from a lot of people like oh, don't worry about it, I didn't register my business because I got a DBA already. So it's very important to kind of get these straight and it's something we do in addition. So hopefully that's helpful.

Oh, well that was really fun guys. I hope you had fun coming along a little behind the scenes sneak peek of my live Q&A calls. Hopefully we'll see you at one of the live, for the four live Q&A calls I'm hosting this year. Just keep in mind if you buy the Ultimate Bundle by February 23rd, you can get access to those four live Q&A calls for free. It's a \$1,200 value for all four of these calls. They're not available to anybody else other than Bundle members. This is the only time offering all four of these for free.

The Ultimate Bundle is still on sale all the way through February 28th, but you only get to get those four live calls if you purchase by the 23rd. So you can click the link in the show notes to join us inside the Ultimate Bundle today. Of course, my email and my DMs are always open. If you have a question about the bundle, just hit reply to one of my emails. I'm happy to help. Or you can come over on Instagram, I'm at @SamVanderWielen. Let me know if you have a question. If you want to know if it's right for you, if it's got something you need, I am happy to help. So with that, thank you so much for listening and I can't wait to see you in the next episode.

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