



# BLACK HILLS

## COMMUNITY ECONOMIC DEVELOPMENT

730 E Watertown St, Suite 102, Rapid City, SD 57701 - 605.716.0012 - fwhite@wrbsc.com

<b>Application</b>		
X	N/A	
		Completed and signed BHCED Pre-application (pgs 2-7)
		Bank commitment letter (provided by bank)
<b>Business Information</b>		
X	N/A	
		Franchise Agreement (including dealer agreements, jobber agreements, license agreements, etc.)
		Federal tax returns for the last 3 years for the Operating Company
		Federal tax returns for the last 3 years for the Real Estate Holding Company if applicable
		Federal tax returns for the last 2 years for any affiliate company
		Complete Business Debt Schedule (pg 5)
		Interim financial statements for Operating Company dated within the last 60 days
		Projected income statement for Operating Company for first 2 years after the loan; <i>Contact the Small Business Development Center for assistance 605-394-5311</i>
		Organizational documents
<b>Personal Information for each owner of 20% or more</b>		
X	N/A	
		Personal tax returns for last 2 years
		Personal History form (pg 6)
		Resume
		Personal financial statement dated within 60 days (use form on pgs 8-9 or any other template)
		Copy of driver's license
		Personal credit reports (provided by bank)
<b>Real Estate Information</b>		
X	N/A	
		Real estate purchase agreement or settlement statement
		Construction cost estimates or bids
		Equipment quotes or invoices
		Copies of proposed/existing lease agreements
		Existing environmental studies

**PRE-APPLICATION**

**Operating Company Information**

Company Name: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Principal in Charge: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Secondary Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Type of Business: \_\_\_\_\_ Date Established: \_\_\_\_\_ Tax ID Number: \_\_\_\_\_  
Type of Entity: (check one)    \_\_\_ Proprietorship    \_\_\_ Partnership    \_\_\_ Corporation    \_\_\_ LLC

**Company Ownership**

Name: \_\_\_\_\_ Title: \_\_\_\_\_ % of Ownership: \_\_\_\_\_  
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Name: \_\_\_\_\_ Title: \_\_\_\_\_ % of Ownership: \_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_ % of Ownership: \_\_\_\_\_

**Real Estate Holding Company Information**

Company Name: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Principal in Charge: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Secondary Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Type of Business: \_\_\_\_\_ Date Established: \_\_\_\_\_ Tax ID Number: \_\_\_\_\_  
Type of Entity: (check one)    \_\_\_ Proprietorship    \_\_\_ Partnership    \_\_\_ Corporation    \_\_\_ LLC

**Company Ownership**

Name: \_\_\_\_\_ Title: \_\_\_\_\_ % of Ownership: \_\_\_\_\_  
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Name: \_\_\_\_\_ Title: \_\_\_\_\_ % of Ownership: \_\_\_\_\_  
Name: \_\_\_\_\_ Title: \_\_\_\_\_ % of Ownership: \_\_\_\_\_

**Affiliate Businesses**

Name: \_\_\_\_\_ Owner: \_\_\_\_\_ % of Ownership: \_\_\_\_\_  
(Applicant company or individuals)  
Name: \_\_\_\_\_ Owner: \_\_\_\_\_ % of Ownership: \_\_\_\_\_

**Existing Business Locations**

Address: \_\_\_\_\_ Square Feet: \_\_\_\_\_ Lease Payment: \_\_\_\_\_ Replaced by New Facility? \_\_\_\_\_  
Address: \_\_\_\_\_ Square Feet: \_\_\_\_\_ Lease Payment: \_\_\_\_\_ Replaced by New Facility? \_\_\_\_\_

**References**

Bank Name: \_\_\_\_\_ Acct. No: \_\_\_\_\_ Acct. Officer: \_\_\_\_\_ Phone: \_\_\_\_\_  
Accountant: \_\_\_\_\_ Firm Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Attorney: \_\_\_\_\_ Firm Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**Nature of Your Business**

When and by whom was your company established? \_\_\_\_\_  
When did you gain control of the business? \_\_\_\_\_  
Types of products or services (include any catalogs or brochures) \_\_\_\_\_  
\_\_\_\_\_  
Geographic Market Area: \_\_\_\_\_  
List Key Customers: \_\_\_\_\_  
List Major Competitors: \_\_\_\_\_

**Project Information**

Street Address of Project: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ County: \_\_\_\_\_  
What is the Square Footage of the New Building? \_\_\_\_\_  
What is the Square Footage Your Company Will Occupy? \* \_\_\_\_\_  
\*Please note – SBA requires your company to occupy 51% of an existing building and 60% of a new building.  
Contract Closing Date: \_\_\_\_\_ Realtor’s Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**Total Project Costs**

**Purchase Existing Building or Equipment**

Purchase Price ..... \$ \_\_\_\_\_  
Improvements ..... \$ \_\_\_\_\_  
Equipment\* ..... \$ \_\_\_\_\_  
Other ..... \$ \_\_\_\_\_  
Total ..... \$ \_\_\_\_\_

**Construction Project**

Land Acquisition ..... \$ \_\_\_\_\_  
Construction Bid ..... \$ \_\_\_\_\_  
Architects, permits, other soft costs ..... \$ \_\_\_\_\_  
Equipment\* ..... \$ \_\_\_\_\_  
Other ..... \$ \_\_\_\_\_  
Total ..... \$ \_\_\_\_\_

\*Please note -- equipment to be financed must have a useful life of 10 years or greater.

**If there are any tenants that will remain in the building, please provide the following information:**

Also, please have your realtor provide copies of all existing leases.

Tenant Name	Square Footage	Lease Expiration	Rent Amount

**Employee Questionnaire**

Number of current full-time employees: \_\_\_\_\_

Number of current part-time employees: \_\_\_\_\_

Average # of hours per week part-time employees work: \_\_\_\_\_

Estimated number of new full-time employees within the next two years as a result of this project: \_\_\_\_\_

Estimated number of new part-time employees within the next two years as a result of this project: \_\_\_\_\_

Estimated average # of hours per week new part-time employees (as a result of this project) will work: \_\_\_\_\_

Key employees:

Name	Title	Responsibilities	Years with the Company	Years in the industry

**Miscellaneous Questions**

Have you or any officer of your company ever been involved in bankruptcy or insolvency proceedings? \_\_\_\_\_

Are you or your business involved in any pending or prior lawsuits? \_\_\_\_\_ If yes, please provide details on a separate sheet.

Have you ever received gov't financing? \_\_\_\_\_ If yes, please provide the following:

Original Amount \$ \_\_\_\_\_

Date of the Loan: \_\_\_\_\_

Current Balance \$ \_\_\_\_\_

Agency: \_\_\_\_\_

## Business Debt Schedule

Indebtedness: Furnish the following information on all installment debts, contracts, notes, and mortgages payable.  
Do not include accounts payable or accrued liabilities.

Date \_\_\_\_\_\*

Creditor Name/Address	Original Amount	Original Date	Present Balance	Interest Rate	Maturity Date	Monthly Payment	Security	Current or Delinquent
<b>Total present balance**</b>				<b>Total monthly payment</b>				

\* Should be the same date as current financial statement.

\*\* Total must agree with balance shown on current financial statement.

**Personal History Form**

To be completed by each principal in business

To be completed by each principal in business

Name: \_\_\_\_\_  
FIRST MIDDLE MAIDEN LAST

Date of Birth: \_\_\_\_\_ City, State of Birth: \_\_\_\_\_

Race: \_\_\_\_\_ Social Security No.: \_\_\_\_\_

■ U.S. Citizen -- if not, please provide alien registration number: \_\_\_\_\_

Home Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

From: \_\_\_\_\_ To: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Immediate Past Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

From: \_\_\_\_\_ To: \_\_\_\_\_

Are you employed by the U.S. Government? \_\_\_\_\_

If so, give the name of the agency and position: \_\_\_\_\_

Spouse's Name: \_\_\_\_\_  
FIRST MIDDLE MAIDEN LAST

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_ Race: \_\_\_\_\_ Social Security No.: \_\_\_\_\_

**Personal Information**

Be sure to answer the next three questions correctly because they are important. The fact that you have an arrest or conviction record will not necessarily disqualify you; an incorrect answer will probably cause your application to be turned down.

Are you presently subject to an indictment, criminal information arraignment, or other means by which formal criminal charges are brought in any jurisdiction? \_\_\_\_\_ Yes \_\_\_\_\_ No

Have you been arrested in the past six months for any criminal offense? \_\_\_\_\_ Yes \_\_\_\_\_ No

For any criminal offense – other than a minor vehicle violation – have you ever: 1) been convicted; 2) plead guilty; 3) plead nolo contendere; 4) been placed on pretrial diversion; or 5) been placed on any form of parole or probation (including probation before judgment). \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes to any of the above, furnish details in a separate exhibit. List name(s) under which held.

**Military Service Background**

Branch: \_\_\_\_\_ From: \_\_\_\_\_ To: \_\_\_\_\_

Rank at Discharge: \_\_\_\_\_ Honorable? \_\_\_\_\_

Job Description: \_\_\_\_\_

## **Certifications**

### **AUTHORIZATION TO RELEASE INFORMATION**

I/We hereby authorize the release to Black Hills Community Economic Development of any information they may require at any time for any purpose related to my/our credit transaction with them including but not limited to credit checks or inquiries concerning my/our creditworthiness, credit standing, credit capacity, character, or general reputation.

I/We further authorize Black Hills Community Economic Development to release such information to any entity they deem necessary for any purpose related to my/our credit transaction with them.

### **IMPORTANT INFORMATION ABOUT IDENTIFICATION PROCEDURES WHEN OBTAINING A 504 LOAN**

To help the government fight the funding of terrorism and money laundering activities, Federal law requires all Certified Development Companies to obtain, verify, and record information that identifies each person who applied for a 504 Loan.

When you apply for a 504 Loan, we will ask for your name, address, date of birth, another information that will allow us to identify you. We may also ask to see your driver's license or other identifying documents.

### **CERTIFICATION**

I declare and affirm under the penalties of perjury that the claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct. Applicant recognizes that this is an ongoing certification that the information contained herein is accurate and pledges to supplement this application at any time necessary to add, update, or correct information previously supplied.

Black Hills Community Economic Development prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, marital or family status.

Applicant authorized that, upon approval by the Small Business Administration of the loan, Black Hills Community Economic Development has the authority to release and disclose to the general public information regarding the applicant's identity and relationship with Black Hills Community Economic Development, such as: name of the business, address, number of jobs created, and photos of the business. Applicant agrees and understands that the above information is being provided for publicity and/or program funding reasons only.

Name of Applicant(s) \_\_\_\_\_

Signature of Applicant(s) \_\_\_\_\_

Date \_\_\_\_\_

Name of Applicant(s) \_\_\_\_\_

Signature of Applicant(s) \_\_\_\_\_

Date \_\_\_\_\_



**PERSONAL FINANCIAL STATEMENT  
7(a) / 504 LOANS AND SURETY BONDS**

**U.S. SMALL BUSINESS ADMINISTRATION**

As of \_\_\_\_\_, \_\_\_\_\_

SBA uses the information required by this Form 413 as one of a number of data sources in analyzing the repayment ability and creditworthiness of an application for an SBA guaranteed 7(a) or 504 loan or, with respect to a surety bond, to assist in recovery in the event that the contractor defaults on the contract. Submission of this information is required as part of your application for assistance. Failure to provide the information would impact the agency's decision on your application.

Complete this form for: (1) each proprietor; (2) general partner; (3) managing member of a limited liability company (LLC); (4) each owner of 20% or more of the equity of the Applicant (including the assets of the owner's spouse and any minor children); and (5) any person providing a guaranty on the loan

**Return completed form to:**

**For 7(a) loans:** the Lender processing the application for SBA guaranty

**For 504 loans:** the Certified Development Company (CDC) processing the application for SBA guaranty

**For Surety Bonds:** the Surety Company or Agent processing the application for surety bond guarantee

<b>Name</b>	<b>Business Phone</b>
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<b>Home Address</b>	<b>Home Phone</b>
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<b>City, State, &amp; Zip Code</b>
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<b>Business Name of Applicant</b>
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ASSETS	(Omit Cents)	LIABILITIES	(Omit Cents)
Cash on Hand & in banks.....	\$ _____	Accounts Payable.....	\$ _____
Savings Accounts.....	\$ _____	Notes Payable to Banks and Others.....	\$ _____
IRA or Other Retirement Account.....	\$ _____	(Describe in Section 2)	
(Describe in Section 5)		Installment Account (Auto).....	\$ _____
Accounts & Notes Receivable.....	\$ _____	Mo. Payments \$ _____	
(Describe in Section 5)		Installment Account (Other).....	\$ _____
Life Insurance – Cash Surrender Value Only.....	\$ _____	Mo. Payments \$ _____	
(Describe in Section 8)		Loan(s) Against Life Insurance.....	\$ _____
Stocks and Bonds.....	\$ _____	Mortgages on Real Estate.....	\$ _____
(Describe in Section 3)		(Describe in Section 4)	
Real Estate.....	\$ _____	Unpaid Taxes.....	\$ _____
(Describe in Section 4)		(Describe in Section 6)	
Automobiles.....	\$ _____	Other Liabilities.....	\$ _____
(Describe in Section 5, and include		(Describe in Section 7)	
Year/Make/Model)		Total Liabilities.....	\$ _____
Other Personal Property.....	\$ _____	Net Worth.....	\$ _____
(Describe in Section 5)			
Other Assets.....	\$ _____		
(Describe in Section 5)		<b>Total</b>	<b>\$ _____</b>
<b>Total</b>	<b>\$ _____</b>	*Must equal total in assets column.	

<b>Section 1. Source of Income.</b>	<b>Contingent Liabilities</b>
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Salary.....	As Endorser or Co-Maker.....
Net Investment Income.....	Legal Claims & Judgments.....
Real Estate Income.....	Provision for Federal Income Tax.....
Other Income (Describe below)*.....	Other Special Debt.....

<b>Description of Other Income in Section 1.</b>

\*Alimony or child support payments should not be disclosed in "Other Income" unless it is desired to have such payments counted toward total income.



**Section 2. Notes Payable to Banks and Others.** (Use attachments if necessary. Each attachment must be identified as part of this statement and signed.)

Names and Addresses of Noteholder(s)	Original Balance	Current Balance	Payment Amount	Frequency (monthly, etc.)	How Secured or Endorsed Type of Collateral

**Section 3. Stocks and Bonds.** (Use attachments if necessary. Each attachment must be identified as part of this statement and signed.)

Number of Shares	Name of Securities	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value

**Section 4. Real Estate Owned.** (List each parcel separately. Use attachment if necessary. Each attachment must be identified as a part of this statement and signed.)

	Property A	Property B	Property C
Type of Real Estate (e.g. Primary Residence, Other Residence, Rental Property, Land, etc.)			
Address			
Date Purchased			
Original Cost			
Present Market Value			
Name & Address of Mortgage Holder			
Mortgage Account Number			
Mortgage Balance			
Amount of Payment per Month/Year			
Status of Mortgage			

**Section 5. Other Personal Property and Other Assets.** (Describe, and, if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment and, if delinquent, describe delinquency.)

**Section 6. Unpaid Taxes.** (Describe in detail as to type, to whom payable, when due, amount, and to what property, if any, a tax lien attaches.)

**Section 7. Other Liabilities.** (Describe in detail.)

**Section 8. Life Insurance Held.** (Give face amount and cash surrender value of policies – name of insurance company and Beneficiaries.)

I authorize the SBA/Lender/Surety Company to make inquiries as necessary to verify the accuracy of the statements made and to determine my creditworthiness.

**CERTIFICATION:** (to be completed by each person submitting the information requested on this form and the spouse of any 20% or more owner when spousal assets are included)

By signing this form, I certify under penalty of criminal prosecution that all information on this form and any additional supporting information submitted with this form is true and complete to the best of my knowledge. I understand that SBA or its participating Lenders or Certified Development Companies or Surety Companies will rely on this information when making decisions regarding an application for a loan or a surety bond. I further certify that I have read the attached statements required by law and executive order.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Print Name \_\_\_\_\_

Social Security No. \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Print Name \_\_\_\_\_

Social Security No. \_\_\_\_\_

**NOTICE TO LOAN AND SURETY BOND APPLICANTS: CRIMINAL PENALTIES AND ADMINISTRATIVE REMEDIES FOR FALSE STATEMENTS:**

Knowingly making a false statement on this form is a violation of Federal law and could result in criminal prosecution, significant civil penalties, and a denial of your loan or surety bond application. A false statement is punishable under 18 U.S.C. §§ 1001 and 3571 by imprisonment of not more than five years and/or a fine of up to \$250,000; under 15 U.S.C. § 645 by imprisonment of not more than two years and/or a fine of not more than \$5,000; and, if submitted to a Federally-insured institution, a false statement is punishable under 18 U.S.C. § 1014 by imprisonment of not more than thirty years and/or a fine of not more than \$1,000,000. Additionally, false statements can lead to treble damages and civil penalties under the False Claims Act, 31 U.S.C. § 3729, and other administrative remedies including suspension and debarment.

PLEASE NOTE: According to the Paperwork Reduction Act, you are not required to respond to this request for information unless it displays a valid OMB Control Number. The estimated average burden hours for the completion of this form is 1.5 hours per response. If you have questions or comments concerning this estimate or any other aspect of this information collection, please contact: Director, Records Management Division, Small Business Administration, 409 Third Street SW, Washington, D.C. 20416, and SBA Desk Officer, Office of Management and Budget, New Executive Office Building, Room 10202, Washington, D.C. 20503. PLEASE DO NOT SEND COMPLETED FORMS TO OMB.

**PLEASE READ, DETACH, AND RETAIN FOR YOUR RECORDS**  
STATEMENTS REQUIRED BY LAW AND EXECUTIVE ORDER

SBA is required to withhold or limit financial assistance, to impose special conditions on approved loans, to provide special notices to applicants or borrowers and to require special reports and data from borrowers in order to comply with legislation passed by the Congress and Executive Orders issued by the President and by the provisions of various inter-agency agreements. SBA has issued regulations and procedures that implement these laws and executive orders. These are contained in Parts 112, 113, and 117 of Title 13 of the Code of Federal Regulations and in Standard Operating Procedures.

**Privacy Act (5 U.S.C. 552a)**

Any person can request to see or get copies of any personal information that SBA has in his or her file when that file is retrieved by individual identifiers such as name or social security numbers. Requests for information about another party may be denied unless SBA has the written permission of the individual to release the information to the requestor or unless the information is subject to disclosure under the Freedom of Information Act.

Under the provisions of the Privacy Act, you are not required to provide your social security number. Failure to provide your social security number may not affect any right, benefit or privilege to which you are entitled. Disclosures of name and other personal identifiers are, however, required for a benefit, as SBA requires an individual seeking assistance from SBA to provide it with sufficient information for it to make a character determination. In determining whether an individual is of good character, SBA considers the person's integrity, candor, and disposition toward criminal actions. Additionally, SBA is specifically authorized to verify your criminal history, or lack thereof, pursuant to section 7(a)(1)(B), 15 USC Section 636(a)(1)(B) of the Small Business Act ( the Act). Further, for all forms of assistance, SBA is authorized to make all investigations necessary to ensure that a person has not engaged in acts that violate or will violate the Act or the Small Business Investment Act, 15 USC Sections 634(b)(11) and 687(b)(a), respectively. For these purposes, you are asked to voluntarily provide your social security number to assist SBA in making a character determination and to distinguish you from other individuals with the same or similar name or other personal identifier.

The Privacy Act authorizes SBA to make certain "routine uses" of information protected by that Act. One such routine use is the disclosure of information maintained in SBA's investigative files system of records when this information indicates a violation or potential violation of law, whether civil, criminal, or administrative in nature. Specifically, SBA may refer the information to the appropriate agency, whether Federal, State, local or foreign, charged with responsibility for, or otherwise involved in investigation, prosecution, enforcement or prevention of such violations. Another routine use is that SBA may disclose the information maintained in SBA's investigative files to other Federal agencies conducting background checks to the extent the information is relevant to the requesting agencies' function. In addition, another routine use is that SBA may transfer information related to a debt that a person is delinquent in paying to SBA in connection with its loan programs for publication on a computer database system maintained by the Department of Housing and Urban Development, or other Federal agency, to allow searches by participating Government agencies and approved private lenders, consistent with applicable law. SBA and its authorized lenders may also use this computer database system to perform a computer match to determine a loan applicant's credit status with participating agencies of the Federal Government. See Revision of Privacy Act System of Records, 74 F.R. 14890 (April 1, 2009) and 77 F.R. 61467 (October 9, 2012) for additional background and other routine uses, which may be amended from time to time.

**Right to Financial Privacy Act of 1978 (12 U.S.C. 3401)** -- This is notice to you as required by the Right to Financial Privacy Act of 1978, of SBA's access rights to financial records held by financial institutions that are or have been doing business with you or your business, including any financial institutions participating in a loan or loan guaranty. The law provides that SBA shall have a right of access to your financial records in connection with its consideration or administration of assistance to you in the form of a Government guaranteed loan. SBA is required to provide a certificate of its compliance with the Act to a financial institution in connection with its first request for access to your financial records, after which no further certification is required for subsequent accesses. The law also provides that SBA's access rights continue for the term of any approved loan guaranty agreement. No further notice to you of SBA's access rights is required during the term of any such agreement. The law also authorizes SBA to transfer to another Government authority any financial records included in an application for a loan, or concerning an approved loan or loan guaranty, as necessary to process, service or foreclose on a loan guaranty or collect on a defaulted loan guaranty.

**Freedom of Information Act (5 U.S.C. 552)**

This law provides, with some exceptions, that SBA must supply information reflected in agency files and records to a person requesting it. Information about approved loans that will be automatically released includes, among other things, statistics on our loan programs (individual borrowers are not identified in the statistics) and other information such as the names of the borrowers (and their officers, directors, stockholders or partners), the collateral pledged to secure the loan, the amount of the loan, its purpose in general terms and the maturity. Proprietary data on a borrower would not routinely be made available to third parties. All requests under this Act are to be addressed to the nearest SBA office and be identified as a Freedom of Information request.

**Flood Disaster Protection Act (42 U.S.C. 4011)** -- Regulations have been issued by the Federal Insurance Administration (FIA) and by SBA implementing this Act and its amendments. These regulations prohibit SBA from making certain loans in an FIA designated floodplain unless Federal Flood insurance is purchased as a condition of the loan. Failure to maintain the required level of flood insurance makes the applicant ineligible for any financial assistance from SBA, including disaster assistance.

**Executive Orders -- Floodplain Management and Wetland Protection (42 F.R. 26951 and 42 F.R. 26961)** -- SBA discourages settlement in or development of a floodplain or a wetland. This statement is to notify all SBA loan applicants that such actions are hazardous to both life and property and should be avoided. The additional cost of flood preventive construction must be considered in addition to the possible loss of all assets and investments due to a future flood.

**Occupational Safety and Health Act (15 U.S.C. 651 et seq.)** -- This legislation authorizes the Occupational Safety and Health Administration in the Department of Labor to require businesses to modify facilities and procedures to protect employees or pay penalty fees. Businesses can be forced to cease operations or be prevented from starting operations in a new facility. Therefore, SBA may require additional information from an applicant to determine whether the business will be in compliance with OSHA regulations and allowed to operate its facility after the loan is approved and disbursed. Signing this form as an applicant is certification that the OSHA requirements that apply to the applicant business have been determined and that the applicant, to the best of its knowledge, is in compliance. Furthermore, applicant certifies that it will remain in compliance during the life of the loan.

**Civil Rights Legislation** -- All businesses receiving SBA financial assistance must agree not to discriminate in any business practice, including employment practices and services to the public on the basis of categories cited in 13 C.F.R., Parts 112, 113, and 117 of SBA Regulations. This includes making their goods and services available to handicapped clients or customers. All business borrowers will be required to display the "Equal Employment Opportunity Poster" prescribed by SBA.

**Equal Credit Opportunity Act (15 U.S.C. 1691)** -- The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status or age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act.

**Executive Order 11738 -- Environmental Protection (38 F.R. 251621)** -- The Executive Order charges SBA with administering its loan programs in a manner that will result in effective enforcement of the Clean Air Act, the Federal Water Pollution Act and other environment protection legislation.

**Debt Collection Act of 1982, Deficit Reduction Act of 1984 (31 U.S.C. 3701 et seq. and other titles)** -- These laws require SBA to collect aggressively any loan payments which become delinquent. SBA must obtain your taxpayer identification number when you apply for a loan. If you receive a loan, and do not make payments as they come due, SBA may take one or more of the following actions: (1) report the status of your loan(s) to credit bureaus, (2) hire a collection agency to collect your loan, (3) offset your income tax refund or other amounts due to you from the Federal Government, (4) suspend or debar you or your company from doing business with the Federal Government, (5) refer your loan to the Department of Justice or other attorneys for litigation, (6) foreclose on collateral or take other action permitted in the loan instruments, or (7) if you default on an SBA loan and fail to fully reimburse SBA for any resulting loss, refer you to the computer database of delinquent Federal debtors maintained by the Department of Housing and Urban Development, or other Federal agency, which may disqualify you from receiving financial assistance from other Federal agencies. In addition, unless SBA is reimbursed in full for the loss, you will not be eligible for additional SBA financial assistance.

**Immigration Reform and Control Act of 1986 (Pub. L. 99-603)** -- If you are an alien who was in this country illegally since before January 1, 1982, you may have been granted lawful temporary resident status by the United States Immigration and Naturalization Service pursuant to the Immigration Reform and Control Act of 1986. For five years from the date you are granted such status, you are not eligible for financial assistance from the SBA in the form of a loan guaranty under Section 7(a) of the Small Business Act unless you are disabled or a Cuban or Haitian entrant. When you sign this document, you are making the certification that the Immigration Reform and Control Act of 1986 does not apply to you, or if it does apply, more than five years have elapsed since you have been granted lawful temporary resident status pursuant to such 1986 legislation.

**Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821 et seq.)** -- Borrowers using SBA funds for the construction or rehabilitation of a residential structure are prohibited from using lead-based paint (as defined in SBA regulations) on all interior surfaces, whether accessible or not, and exterior surfaces, such as stairs, decks, porches, railings, windows and doors, which are readily accessible to children under 7 years of age. A "residential structure" is any home, apartment, hotel, motel, orphanage, boarding school, dormitory, day care center, extended care facility, college or other school housing, hospital, group practice or community facility and all other residential or institutional structures where persons reside.

**Executive Order 12549, Debarment and Suspension (2 CFR 180, adopted by reference in 2 CFR Part 2700 (SBA Debarment Regulations))** -- By submission of this loan application, you certify and acknowledge that neither you nor any Principals have within the past three years been: (a) debarred, suspended, declared ineligible from participating in, or voluntarily excluded from participation in a transaction by any Federal department or agency; (b) formally proposed for debarment, with a final determination still pending; (c) indicted, convicted, or had a civil judgment rendered against you for any of the offenses listed in the Regulations; or (d) delinquent on any amounts due and owing to the U.S. Government or its agencies or instrumentalities as of the date of execution of this certification.

If you are unable to certify and acknowledge (a) through (d), you must obtain and attach a written statement of exception from SBA permitting participation in this loan. You further certify that you have not and will not knowingly enter into any agreement in connection with the goods and/or services purchased with the proceeds of this loan with any individual or entity that has been debarred, suspended, declared ineligible from participating in, or voluntarily excluded from participation in a Transaction. All capitalized terms have the meanings set forth in 2 C.F.R. Part 180.