COLLATERAL ENHANCEMENT PROGRAM (CEP) FOR COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS (LENDER)
Borrower's Information and Certification Form

Ohio | Development Services Agency

Borrower's Information

(Form to be completed by the Borrower and submitted to Community Development Financial Institution (Lender))

Contact Name:		Contact Title:	
Company Name:		Email Address:	
Address:		Phone #:	
City:	State:	Zip:	County:
NAICS Code:	Fed. Tax ID#:	SIC Code:	EIN:
The Company is: ☐ For-Profit ☐ Nonprofit		Type of Business:	
Revenues in the Last Fiscal Year: $		Revenues Currently: $	
Year Started:		Year Incorporated:	
Is the borrower a minority- or woman-owned business?: ☐ Yes ☐ No			
If yes, which category?:	☐ African American	☐ Hispanic	☐ Native American
	☐ Asian American	☐ Woman	
Is the borrower a certified Minority Business Enterprise with the State of Ohio or other reciprocal certification?:[1] ☐ Yes ☐ No			

Note: Information given with respect to Borrower's location and ethnicity will not be used to determine program eligibility.

Project Proposed Start Date:			
Current # of Full-time Employees:		Current # of Part-time Employees:	
# Full-time jobs to be created in 2 yrs:		# Part-time jobs to be created in 2 yrs:	
Current # of Full-time jobs to be retained:		Current # of Part-time jobs to be retained:	
Average hourly wage for Full-time:		Average hourly wage for Part-time:	

Note: Full-time is more than 2,000 hours per year;
Part-time is less than 2,000 hours per year;
Created jobs cannot be transfers from another facility in Ohio;
Retained jobs are current employees who will be laid off if the Lender's loan is not received;
Created or retained jobs must be within Ohio.

Borrower's Certification and Acknowledgement

Borrower certifies and acknowledges that:

1. Proceeds from the lender loan will be used for a "business purpose." A business purpose includes, but is not limited to, start-up costs, working capital, business procurement, franchise fees, equipment, inventory, as well as the purchase, construction, renovation, or tenant improvements of an eligible place of business that is not for passive real estate investment purposes. The definition of business purpose excludes activities that relate to acquiring or holding passive investments such as commercial real estate ownership, the purchase of securities, and lobbying activities as defined in Section 3 (7) of the Lobbying Disclosure Act of 1995, P.L. 104-65, as amended.

2. The loan proceeds will not be used to:
   a. repay delinquent federal or state income taxes unless the borrower has a payment plan in place with the relevant taxing authority;
   b. repay taxes held in trust or escrow (e.g. payroll or sales taxes);
   c. reimburse funds owed to any owner, including any equity injection or injection of capital for the business' continuance; or
   d. purchase any portion of the ownership interest of any owner of the business.

3. The Borrower is not:
   a. an executive officer, director or principal shareholder of the lender;
   b. a member of the immediate family of an executive officer, director or principal shareholder of the lenders;[2] or
   c. a related interest of such executive officer, director, principal shareholder or member of the immediate family.

1. If yes, then please attach a copy of the Ohio Minority Business (MBE) Certification or other state reciprocal certification. MBE certificates can be found at www.das.ohio.gov/eod. A list of reciprocal certifying entities can be found at the Collateral Enhancement Program website.

2 The terms "executive officer", "director", "principal shareholder", "immediate family", and "related interest" refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.

(Over)

4. The Borrower is not:

   a. a business engaged in specualtive activities that develop profits from fluctuations in price rather than through normal course of trade, such as wildcatting for oil and dealing in commodities futures, unless those activities are incidental to the regular activities of the business and part of a legitimate risk management strategy to guard against price fluctuations related to regular activities;

   b. a business that earns more than half of its annual net revenue from lending activities; unless the business is a non-bank or non-bank holding company certified as a Community Development Financial Institution;

   c. a business engaged in pyramid sales, where a participant's primary incentive is based on the sales made by an ever-increasing number of participants;

   d. a business engaged in activities that are prohibited by federal law or applicable law in the jurisdiction where the business is located or conducted. (Included in these activities is the production, servicing, or distribution of otherwise legal products that are to be used in connection with an illegal activity, such as selling drug paraphernalia or operating a motel that knowingly permits illegal prostitution); or

   e. a business engaged in gambling enterprises, unless the business earns less than 33 percent of its annual net revenue from lottery sales.

5. No principal[3] of the borrowing entity has been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

6. The Borrower is aware that it has been offered a loan by the Lender which will have a Collateral Enhancement Program cash collateral deposit. The purpose of the Collateral Enhancement Program is to assist a Lender in making loans to Borrowers that otherwise might not qualify for such loans due to a collateral value shortfall. The Collateral Enhancement Program places up to 50 percent of the proposed loan amount in a money market account to assist the Lender in covering losses on the loan in the event of default. The Borrower must pay a Collateral Enhancement Program fee of 2 percent of the money market account.

   The Ohio Development Services Agency is not a party to the loan and plays no role in the Lender's decision regarding whether or not to make the loan, or in the setting of the interest rate, fees, duration or any other terms or conditions of the loan. The Lender's rights and remedies are delineated in the loan agreement between itself and the Borrower and in laws applicable to any financing. The Ohio Development Services Agency is not involved in any decision by the Lender with respect to enforcing the Lender's rights under the loan agreement. However, the Ohio Development Services Agency has rights of subrogation. In the event a claim is made by the Lender on the Collateral Enhancement Program loan, The Ohio Development Services Agency may exercise its right to continue collection efforts.

7. This form and its information will be provided to the Ohio Development Services Agency. This form and its supporting loan documentation may also be provided to the U.S. Department of the Treasury Inspector General, subject to the U.S. Right to Financial Privacy Act (12 U.S.C. § 3401 et eq.) and borrower grants lender permission to provide the loan documentation.

8. The Ohio Development Services Agency may contact the Borrower to determine the status of its projected employment numbers.

All principals[3] that hold 20 percent or more ownership of the company must sign this borrower's certification.

Authorized Signature _____ Date _____

(Authorized signer certifies and attests to numbers 1 through 5, and acknowledges numbers 6 through 8)

Printed Name and Title _____

Authorized Signature _____ Date _____

(Authorized signer certifies and attests to numbers 1 through 5, and acknowledges numbers 6 through 8)

Printed Name and Title _____

Authorized Signature _____ Date _____

(Authorized signer certifies and attests to numbers 1 through 5, and acknowledges numbers 6 through 8)

Printed Name and Title _____

3 For the purposes of this certification, "principal" is defined as "if a sole proprietorship, the proprietor; if a partnership, each managing partner and each partner who is a natural person and holds a 20 percent or more ownership interest in the partnership; and if a corporation, limited liability company, association or a development company, each director, each of the five most highly compensated executives or officers of the entity, and each natural person who is a direct or indirect holder of 20 percent or more of the ownership stock or stock equivalent of the entity."

Attention Community Development Financial Institutions

Email form to: CEP@development.ohio.gov
- or -
Mail form to: Manager, Office of Business Assistance,
Ohio Development Services Agency
77 S. High Street, 28th Floor, P.O. Box 1001, Columbus, Ohio 43216-1001
or fax form to: (614) 466-4172
For information, please call (800) 848-1300 ext. 65700

The State of Ohio is an Equal Opportunity Employer and Provider of ADA Services.