
5. Total borrower/lender payments to loss reserve account: \$

In filing this loan for enrollment, the lender makes the warranties and representations specified for the Lender in Section 2.2 of the Capital Access Program Agreement and the following:

- (1) The loan has not been made in order to place under the protection of the approved state program prior debt that is not covered under the approved state program and that is or was owed by the borrower to the lender or an affiliate of the lender.
- (2) The loan is not a refinancing of a loan previously made to that borrower by the lender or an affiliate of the lender.
- (3) The lender is not attempting to enroll any portion of an SBA-guaranteed loan.

Authorized Bank Signature

Date

Name

Title

Address

Phone

Email

Fax

The following is to be completed by the borrower. Business Oregon requests this additional information for statistical tracking use.

Borrower name

Company name/dba

Contact

Phone

Address of business/project location

Is more than 50% of your business owned by a minority? Yes No

Is more than 50% of your business owned by a woman? Yes No

Note: disclosure of race and sex information is voluntary.

Is your business a start up? Yes No

If your business is an existing business, please provide us with your current annual sales

Current number of full-time employees

If your business will create or retain jobs, please provide us with the projected average annual wage level of the new/retained jobs. Please do not include fringe benefits or wages of any owners. Use the following for a definition of retained job: any full- or part-time job that would be eliminated without the assistance provided by this loan.

Number of full-time jobs created by this loan

Number of full-time jobs retained by this loan

Average wage for new and retained jobs: \$

BORROWER REPRESENTATIONS AND WARRANTIES

The Borrower is authorized to do business in the state of Oregon. In order to have its loan enrolled in the state of Oregon, Business Development Department Capital Access Program, the Borrower makes the following representations and warranties to the Lender and the state of Oregon.

Initial each section as applicable.

_____ The proceeds of the loan will be used for a business purpose, the majority of whose resulting economic benefit is in the state of Oregon. A business purpose excludes acquiring or holding passive investments such as commercial real estate ownership, or 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).

_____ The proceeds of the loan will not be used to:

- i. finance the construction, improvement or purchase of residential housing;
- ii. purchase real property that is intended for passive investment or resale or not used for the business operations of the Borrower. Included in this exclusion is real estate ownership for the purpose of deriving income from speculation, trade, lease or rental, and for construction or renovation of real estate not required for the business operations of the Borrower;
- iii. refinance of the remaining balance of an existing loan that was not previously enrolled in the Capital Access Program;
- iv. purchase securities;
- v. finance lobbying activities;
- vi. finance the repayment of delinquent federal or state income taxes unless the Borrower has a payment plan in place with the relevant taxing authority;
- vii. finance the repayment of taxes held in trust or escrow;
- viii. reimburse funds owed to any owner, including any equity injection or injection of capital for the business' continuance;
- ix. purchase of any portion of the ownership interest of any owner of the Borrower; or
- x. refinance of any portion of a loan enrolled in another state or federal credit enhancement or credit insurance program.

_____ The Borrower, and any principal of the Borrower, is not:

- i. an executive officer, director, or principal shareholder of the Lender, or
- ii. a member of the immediate family of an executive officer, director or principal shareholder of the Lender; or
- iii. a related interest of any such executive officer, director, principal shareholder or member of the immediate family.

For the purposes of this certification, the terms "executive officer," "director," "principal shareholder," "immediate family" and "related interest" refer to the same relationship to the Lender as the relationship described in 12 C.F.R. Part 215.2 (1990), whether or not the Lender is a member bank of the Federal Reserve System.

_____ The Borrower is not:

- i. a business engaged in speculative activities that develop profits from fluctuations in price rather than through normal course of trade 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 the regular activities of the business; or
- ii. 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 community development financial institution;
- iii. 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; or
- iv. 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); or,
- v. a business engaged in gambling enterprises, unless the business earns less than 33% of its annual net revenue from lottery sales.

Continued on Back

- ___ No principal of the Borrower 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). For the purposes of this certification, “principal” is defined as:
- i. if a sole proprietorship, the proprietor;
 - ii. if a partnership, each partner; and
 - iii. if a corporation, limited liability company, association or a development company, each director, each of the five most highly compensated executives, officers or employees of the Borrower, and each direct or indirect holder of 20% or more of the ownership stock or stock equivalent of the Borrower.
- ___ The Borrower has not obtained a loan from the state of Oregon (including any of its departments) or through any state of Oregon program or a loan insured by any state of Oregon program or enrolled in any state of Oregon program, that currently has any principal or interest owing that is unpaid more than 15 days past the date by which it was due to the state of Oregon or other lender.
- ___ The total financing for the project being financed in whole or in part by the loan does not exceed \$20 million, and at the time of closing the loan, the Borrower did not employ more than 750 employees in the United States.
- ___ No principal of the Borrower is a current member or delegate to the United States Congress or resident U.S. Commissioner.

Borrower

By (signature)

Dated

Print name and title





Demographic Questionnaire

To be completed by all business owners when possible. We encourage you to answer the voluntary demographic questions below. Answers to the questions will help Business Oregon track programmatic outcomes and deliver on our agency vision to advance economic opportunity for all Oregonians. Your responses will only be reported in aggregate. The information, or declining to provide it, will not subject you to any adverse treatment and will have no impact on agency decision making regarding qualifications for any program or service. This information may be subject to public disclosure pursuant to Oregon Public Records Law.

Applicant Business or Organization Name

Personal Information

Owner Name

What is your business ownership percentage?

(each owner should complete and submit a separate survey)

What is your race? Select all that apply

- American Indian or Alaska Native
- Asian
- Black or African American
- Native Hawaiian or Pacific Islander
- White
- Prefer not to answer
- Other (please specify)

What is your ethnicity? Select one:

- Hispanic/Latino
- Non-Hispanic/Latino
- Prefer not to answer

Please describe your ancestry or national origin (example: Russian, Vietnamese, Somali, German, Hmong, Mexican, etc.)

Prefer not to answer

What is your gender?

- Female
- Male
- Other (please specify)
- Prefer not to answer

Are you a person with a disability, per the definition below?

The Equal Employment Opportunity Commission (EEOC) defines a covered disability under the Americans with Disabilities Act (ADA) as a physical or mental impairment that substantially limits one or more major life activities, a history of having such an impairment, or being regarded as having such an impairment.

- Yes
- No
- Prefer not to answer

Have you ever served in the U.S. Armed Forces, Reserves, or National Guard (including currently)?

- Yes
- No
- Prefer not to answer

Are you a member of a federally recognized tribe?

- Yes (please specify)
- No
- Prefer not to answer