

# Borrego Express Capital Loan Application

Fax completed application to 866.717.7718. For questions regarding your application, call toll free 866.644.0042 and press option #1.

TA Provider Source Code: \_\_\_\_\_ Participating Bank Partner Code: \_\_\_\_\_  
 TA Counselor Name: \_\_\_\_\_ SBA District Office: \_\_\_\_\_  
 TA Counselor Phone: \_\_\_\_\_ TA Fax: \_\_\_\_\_ Email: \_\_\_\_\_

LOAN PURPOSE: WORKING CAPITAL Loan Amount Requested: \$ \_\_\_\_\_  
*(For businesses in operation less than 24 months, Borrower funds must be at least 10% of business' total Capital Needs)* Borrower Funds: \$ \_\_\_\_\_  
 Total Capital Needs of Business \$ \_\_\_\_\_

## COMPANY NAME & ADDRESS

Business Name: \_\_\_\_\_ dba: \_\_\_\_\_  
 EIN Number: \_\_\_\_\_  
 Physical Address of Business: \_\_\_\_\_ Mailing Address if different from Physical Address: \_\_\_\_\_  
 \_\_\_\_\_ Street Address, Suite Number \_\_\_\_\_ Street Address, Suite Number  
 \_\_\_\_\_ City, County \_\_\_\_\_ City, County  
 \_\_\_\_\_ State, Zip \_\_\_\_\_ State, Zip  
 Date Business Moved to This Location: \_\_\_\_\_ Business Website Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Cell Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

## GENERAL BUSINESS

Type of Business Entity: \_\_\_\_\_ Nature of Business: \_\_\_\_\_  
*(Corporation, LLC, Sole Proprietor, Partnership)* *(Describe your business: ie. Auto Repair Shop, Barber Shop, etc.)*  
 SIC Code: \_\_\_\_\_ NAICS Code: \_\_\_\_\_ Duns Number: \_\_\_\_\_  
*(Existing Business with D&B Number)*  
 When did the business begin operations? \_\_\_\_\_ How long have you owned the business? \_\_\_\_\_  
 Number of Current Employees: \_\_\_\_\_ Jobs You Will Create: \_\_\_\_\_ Number of Jobs Retained: \_\_\_\_\_  
 Are any of your business' products/services exported or do you plan to begin exporting as result of this loan?  yes  no  
 If YES, provide estimated total export sales this loan will support: \$ \_\_\_\_\_ Is your business a Start-Up?  yes  no  
 Is your Business a Franchise?  yes  no Name of Franchisor: \_\_\_\_\_  
*(Franchise must be on the SBA Approved Franchise List)*

# Borrego Express Capital Loan Application

## CONTACT INFORMATION

Name of Contact

Title

Phone Number

Is Contact Person an Owner of Business?

yes  no

## COMPANY FINANCIAL INFORMATION

Actual Gross Sales Last Year: \$ \_\_\_\_\_ Actual Gross Sales Previous Year 1: \$ \_\_\_\_\_

Actual Gross Sales Previous Year 2: \$ \_\_\_\_\_ Is Your Business a  For Profit or  Not-For Profit?

Do you plan to purchase an existing business?  yes  no

*(Note, loan funds may not be used to purchase a business)*

How many people either own at least 20% of this business, or are Officers, Directors or Managers of the Business? \_\_\_\_\_

The products and/or services of the Applicant business are available to the general public.  yes  no

Does anyone who owns 20% or more of this business own/control 51% or more of another business(es)?  yes  no

If YES: Name of Principal(s): \_\_\_\_\_

Name of the Business(es): \_\_\_\_\_

Nature of this Business(es): \_\_\_\_\_

Sales Last 3 Years: \_\_\_\_\_

Does anyone owning 20% or more of the business currently have an SBA Loan(s):  yes  no

Number of SBA Loans Outstanding: \_\_\_\_\_ Total Amount of Outstanding SBA Loans: \$ \_\_\_\_\_

SBA Lender: \_\_\_\_\_ Amount: \_\_\_\_\_ Date: \_\_\_\_\_ SBA Lender: \_\_\_\_\_ Amount: \_\_\_\_\_ Date: \_\_\_\_\_

Are these loans current and not otherwise in default:  yes  no

Has anyone who owns 20% or more of this business ever had an SBA Loan or other loan which was made by the Federal Government or guaranteed by the Federal Government?  yes  no

Have you or the business or affiliates ever requested government financing?  yes  no

If YES please provide: \_\_\_\_\_

Financial Company or Agency

Date

If YES: Did any of this financing ever default and cause a loss to the government?  yes  no

Are you or the business currently involved in any pending lawsuits?  yes  no

Has this business ever filed for Bankruptcy Protection or Receivership?  yes  no

If YES, When: \_\_\_\_\_

# Borrego Express Capital Loan Application

**PRINCIPAL INFORMATION** *(Must be completed by all owners of 20% or more and all officers, directors and/or managers of the business)*

Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Prefix: (Mr./Mrs./Ms./Dr.) \_\_\_\_\_ (Jr./Sr.)  
First Name Middle Name Last Name

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Place of Birth: City: \_\_\_\_\_ State: \_\_\_\_\_ Country: \_\_\_\_\_

What % of the Business do you own? \_\_\_\_\_ What is your title in the Business? \_\_\_\_\_

Are you a US Citizen?  yes  no

If NO, Do You Have a Legal Permanent Resident Card Issued Through the US Department of Homeland Security?  yes  no

Alien Registration Number: \_\_\_\_\_ *Please attach a copy of the front and back of the card.*

**CURRENT RESIDENCE INFORMATION**

PRIMARY RESIDENCE:

PRIMARY MAILING ADDRESS:

\_\_\_\_\_  
Street Address, Apt or Unit #

\_\_\_\_\_  
Street Address, Apt or Unit #

\_\_\_\_\_  
City, County, State, Zip

\_\_\_\_\_  
City, County, State, Zip

Residence Type: \_\_\_\_\_  
*(Own, Rent, Military Housing, Live with Relatives)*

Annual Household Income: \$ \_\_\_\_\_  
*(Must be verifiable through IRS)*

Date Moved to this location: \_\_\_\_\_

Amount of Mo. Rent or Mortgage Payment: \$ \_\_\_\_\_

**ASSETS & LIABILITIES**

*Please complete the attached Personal Financial Statement in detail.*









## LOAN APPLICATION DISCLOSURES

*Applicant's Copy: Retain for your records*

### IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING A NEW ACCOUNT

To help the government fight the funding of terrorism and money laundering activities Federal law requires all financial institutions to obtain, verify, and record information that identifies each person who opens an account. What this means for you: When you open an account, we will ask for your name, address, date of birth and other information that will allow us to identify you. We may also ask to see your driver's license or other identifying documents. We may request a photocopy of those documents. This notice is being provided to you for adequate notice given under the Act.

### ADVERSE ACTION NOTICE

The Federal Equal Credit Opportunity prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, 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. The Federal agency that administers compliance with this law concerning Borrego Springs Bank is the Office of the Comptroller of the Currency, Customer Assistance Group, 1301 McKinney Street, Suite 3450, Houston TX 77010. If your application for business credit is denied, you have the right to a written statement of the specific reasons for denial. To obtain this statement, please write Borrego Springs Bank, 7777 Alvarado Road, Suite 501, La Mesa, CA 91942 or call 619-668-5150, within 60 days from the date you are notified of our decision. We will send you a written statement of reasons for the denial within 30 days of receiving your request for the statement.

## PRIVACY NOTICE UNDER FEDERAL LAW

### WHAT DOES BORREGO SPRINGS BANK, N.A. DO WITH YOUR PERSONAL INFORMATION?

<b>WHY?</b>	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all the sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.
<b>WHAT?</b>	The types of personal information we collect and share depend on the product or service you have with us. This information can include: <ul style="list-style-type: none"> <li>• <i>Social Security number and checking account information</i></li> <li>• <i>Account balances and account transactions</i></li> <li>• <i>Overdraft history and payment history</i></li> </ul> When you are no longer our customer, we continue to share your information as described in this notice.
<b>HOW?</b>	All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons Borrego Springs Bank, N.A. chooses to share; and whether you can limit this sharing.

Reasons we can share your personal information:	Does Borrego Springs Bank, N.A. share?	Can you limit this sharing?
For our everyday business purposes - such as to process your transactions, maintain your account(s), respond to court orders and legal investigations, or report to credit bureaus	Yes	No
For our marketing purposes - to offer our products and services to you	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes - information about your transactions and experiences	No	We don't share
For our affiliates' everyday business purposes - information about your creditworthiness	No	We don't share
For non-affiliates to market to you	No	We don't share

**PRIVACY NOTICE UNDER FEDERAL LAW**

**Who we are**

Who is providing this notice? Borrego Springs Bank, N.A.

**What we do**

How does Borrego Springs Bank, N.A. protect my personal information? To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings.

How does Borrego Springs Bank, N.A. collect my personal information? We collect your personal information, for example, when you

- *Open an account or deposit money*
- *Pay your bills or apply for a loan*
- *Use your credit or debit card*

We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.

Why can't I limit all sharing? Federal law gives you the right to limit only

- *Sharing for affiliates' everyday business purposes - information about your creditworthiness*
- *Affiliates from using your information to market to you*
- *Sharing for non-affiliates to market to you*

State laws and individual companies may give you additional rights to limit sharing.

**Definitions**

**Affiliates** Companies related by common ownership or control. They can be financial and nonfinancial companies.

- *Borrego Springs Bank, N.A. does not share with our affiliates.*

**Non-affiliates** Companies not related by common ownership or control. They can be financial and nonfinancial companies.

- *Borrego Springs Bank, N.A. does not share with non-affiliates so they can market to you.*

**Joint Marketing** A formal agreement between non-affiliated financial companies that together market financial products or services to you.

- *Borrego Springs Bank, N.A. doesn't jointly market.*

**QUESTIONS?** Call 800.722.5720 or go to [www.borregospringsbank.com](http://www.borregospringsbank.com).



# Borrego Express Capital Loan Application

## OHIO APPLICATION DISCLOSURE

Made pursuant to Ohio Revised Code Section 4112.021

### IMPORTANT

**DO NOT SIGN THIS FORM UNTIL YOU CAREFULLY READ IT  
AND UNDERSTAND ITS CONTENTS**

The Ohio laws against discrimination require that all creditors make credit equally available to all credit worthy customers, and that credit reporting agencies maintain separate credit histories on each individual upon request. The Ohio civil rights commission administers compliance with this law.

BY SIGNING BELOW, WE ACKNOWLEDGE THAT WE HAVE READ, RECEIVED, AND UNDERSTAND THIS APPLICATION DISCLOSURE. THIS DISCLOSURE IS DATED: \_\_\_\_\_.

#### APPLICANT:

X \_\_\_\_\_  
Applicant

X \_\_\_\_\_  
Co-Applicant

(Only applicable if your business is located in Ohio.)



**PERSONAL FINANCIAL STATEMENT**

**U.S. SMALL BUSINESS ADMINISTRATION**

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

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:** 7(a) loans - to the lender processing the SBA application; 504 loans - to the Certified Development Company processing the SBA application; Disaster loans - to the Disaster Processing and Disbursement Center at 14925 Kingsport Road, Fort Worth, TX 76155-2243; and 8(a)/BD applicants who are *individuals claiming social and economic disadvantaged status and their spouses* - electronically at <http://www.sba.gov> or send hard copy with paper application to either of the two following offices:

<b>8(a) BD only</b>	<b>Mail to the following address, if your firm is located in one of the states below:</b>	<b>Mail to the following address, if your firm is located in one of the states below:</b>
	US Small Business Administration DPCE Central Office Duty Station Parkview Towers 1150 First Avenue 10th Floor, Suite 1001 King of Prussia, PA 19406	Small Business Administration Division of Program Certification and Eligibility 455 Market Street, 6th Floor San Francisco, CA 94105
	MA, ME, NH, CT, VT, RI, NY, PR (Puerto Rico), VI (US Virgin Islands), NJ, PA, MD, VA, WV, DC, DE, GA, AL, NC, SC, MS, FL, KY, TN	IL, OH, MI, IN, MN, WI, TX, NM, AR, LA, OK, MO, IA

Name	Business Phone
Residence Address	Residence Phone
City, State, & Zip Code	
Business Name of Applicant/Borrower	

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 \$ _____	
(Complete Section 8)		Loan on 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 - Total Present Value .....	\$ _____	Other Liabilities .....	\$ _____
(Describe in Section 5, and include Year/Make/Model)		(Describe in Section 7)	
Other Personal Property .....	\$ _____	Total Liabilities .....	\$ _____
(Describe in Section 5)		Net Worth .....	\$ _____
Other Assets .....	\$ _____		
(Describe in Section 5)			
<b>Total</b>	\$ _____	<b>Total</b>	\$ _____

<b>Section 1. Source of Income</b>	<b>Contingent Liabilities</b>
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 .....

Description of Other Income in Section 1.

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\*Alimony or child support payments need 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 a part of this statement and signed.)

Name and Address 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 a 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 SBA/Lender 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)

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 will rely on this information when making decisions regarding an application for a loan from SBA or an SBA Participating Lender, or for participation in the SBA 8(a) Business Development (BD) program.

Signature \_\_\_\_\_

Date \_\_\_\_\_

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

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

Signature \_\_\_\_\_

Date \_\_\_\_\_

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

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

**NOTICE TO LOAN 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. 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 30 years and/or a fine of not more than \$1,000,000.

**NOTICE TO APPLICANTS OR PARTICIPANTS IN THE 8(a) BD PROGRAM: CRIMINAL PENALTIES AND ADMINISTRATIVE REMEDIES FOR FALSE STATEMENTS:**

Any person who misrepresents a business concern's status as an 8(a) Program participant or SDB concern, or makes any other false statement in order to influence the 8(a) certification or other review process in any way (e.g., annual review, eligibility review), shall be: (1) Subject to fines and imprisonment of up to 5 years, or both, as stated in Title 18 U.S.C. § 1001; (2) subject to fines of up to \$500,000 or imprisonment of up to 10 years, or both, as stated in Title 15 U.S.C. § 645; (3) Subject to civil and administrative remedies, including suspension and debarment; and (4) Ineligible for participation in programs conducted under the authority of the Small Business Act.

PLEASE NOTE: 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, please contact Chief, Administrative Branch, U.S. Small Business Administration, Washington, D.C. 20416, and Clearance Officer, Paper Reduction Project (3245-0188), Office of Management and Budget, Washington, D.C. 20503. **PLEASE DO NOT SEND 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 disclosure to other Federal agencies conducting background checks; only to the extent the information is relevant to the requesting agencies' function. See, 74 F.R. 14890 (2009), and as amended from time to time for additional background and other routine uses.

**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 guarantee, 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, or (6) foreclose on collateral or take other action permitted in the loan instruments.

**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 (13 C.F.R. 145)**

1. The prospective lower tier participant certifies, by submission of this loan application, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to the loan application.



**CERTIFICATION OF FINANCIAL STATEMENT**

NAME *(Last, First, Middle)*

ADDRESS *(Street, City, State & Zip)*

PHONE

TAX ID

The signer(s) certifies that the attached business/personal financial statement and supporting schedules dated \_\_\_\_\_, prepared by or for the undersigned, are a complete and true statement of the financial condition of the undersigned on the date indicated. The signer(s) authorizes Borrego Springs Bank, ("Bank") to obtain consumer and/or business reports including inquires to the Internal Revenue Service or the Franchise Tax Board, in their names as individuals anytime. The Bank is also authorized to provide credit information about the Bank's credit experience with the signer(s) to other creditors and credit reporting agencies.

**INDIVIDUAL CERTIFICATION**

Signature

Date

**BUSINESS CERTIFICATION**

Business Name: \_\_\_\_\_

By: \_\_\_\_\_

Authorized Signer & Title

Date