

**ADFA Co-Investment Fund**

**APPLICATION**

(Please Type or Print)

**Legal Name of Applicant:**

**Federal Tax ID:**

**Type of Company:**           **Sub-S**           **C-Corp**           **LLC**           **Other**     

**Date Company Organized:**

**Date Company Formed/Incorporated:**

**In Which State:**

**Address:** (Include Parent Company if Applicable)

**Contact Person(s):**

**Phone Number:**

**Fax Number:**

**E-mail Address:**

**Attorney:**

**Phone Number:**

**Fax Number:**

**E-mail Address:**

**Accountant:**

**Phone Number:**

**Fax Number:**

**E-mail Address:**

**Description of Current Ownership of Company (Name, Percentage of Ownership, Class of Ownership, Amount Authorized, Amount Outstanding and Actual Paid-In Capital):**

**Officers (Name, Age, Position Held and Percent Ownership): (Please Attach Resumes)**

**Is your project or operation subject to any state or federal health, environmental and/or occupational safety regulations that require approval, permit, license, testing or regular inspection?**

**YES**       **NO**

**If YES, please specify:** \_\_\_\_\_

**Enterprises applying for matching funds from the ADFA Co-Investment Fund should furnish the following additional information required to complete the application:**

- 1. Proof of co-investment (term sheet);**
- 2. Financial Forecasts, Projections and/or Budget;**
- 3. Detailed Uses and Sources of Funds;**
- 4. Corporate Financial Statements;**
- 5. The census tract and zip code of the investee's principal location in that state;**
- 6. The businesses Full Time Equivalent (FTE) employees, and projected payroll and benefits;**
- 7. The 6-digit North American Industry Classification System (NAICS) code for each business's industry;**
- 8. The year the business was incorporated or organized; and**
- 9. The estimated number of jobs created and the estimated number of jobs retained as a result of the investment.**

## Declarations of Principal Owners, Officers and Directors

**For each officer, each director and each owner of 10% or more, directly or indirectly, of the applicant company, please answer the following questions. For each "YES" answer attach a separate exhibit providing a detailed explanation.**

**Please describe whether any of the following events have occurred:**

1. A petition under the federal bankruptcy laws or any state insolvency law has ever been filed by or against you, or a receiver, fiscal agent or similar officer was appointed by a court for a business or property of yours or any partnership or limited liability company in which you were a general partner or member at or within two (2) years before the time of such filing, or any corporation or other business entity of which you were an executive officer at or within two (2) years before the time of such filing.  
\_\_\_YES \_\_\_NO
  
2. You are currently or were at any time in the past accused, indicted or convicted in a criminal proceeding (excluding traffic violations and other minor misdemeanor offenses not involving illegal drugs) or are a named subject of a criminal proceeding which is presently pending, or you were at any time made aware that you were the subject of any investigation, either private or public, by any governmental agency.  
\_\_\_YES \_\_\_NO
  
3. You are currently or were at any time in the past the subject of any order, judgment, or decree, not subsequently reversed, suspended or vacated, of any court of competent jurisdiction, within or outside of the United States, permanently or temporarily enjoining you from, or otherwise limiting your involvement in, any of the following activities:
  - (a) acting as a futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator, floor broker, leverage transaction merchant, any other person regulated by the Commodity Futures Trading Commission, or any associated person of any of the foregoing, or as an investment adviser, underwriter, broker or dealer in securities, or as an affiliated person, director or employee of any investment company, bank, savings and loan association, or insurance company, or engaging in or continuing any conduct or practice in connection with such activity;
  - (b) engaging in any type of business practice; or
  - (c) engaging in any activity in connection with the purchase or sale of any security, or in connection with any violation of U. S. federal or state securities laws or federal commodities laws, or any foreign securities laws.  
\_\_\_YES \_\_\_NO
  
4. You are currently or were at any time in the past the subject of any order, judgment or decree, not subsequently reversed, suspended or vacated, of any U. S. federal or state authority or any foreign authority barring, suspending or otherwise limiting for more than sixty (60) days your right to engage in any activity described in Question 3(c) above, or to be associated with persons engaged in any such activity.  
\_\_\_YES \_\_\_NO
  
5. You were ever found by a court of competent jurisdiction in a civil action or by the Securities and Exchange Commission (SEC) to have violated any federal or state securities laws, or to have violated any foreign securities laws by any foreign court or foreign governmental authority, and the judgment in such civil action or finding by the SEC or other authority has not been reversed, suspended or vacated.  
\_\_\_YES \_\_\_NO
  
6. You were ever found by a court of competent jurisdiction in a civil action or by the Commodity Futures Trading Commission (CFTC) to have violated any federal commodities law, and the judgment in such civil action or finding by the CFTC has not been reversed, suspended or vacated.  
\_\_\_YES \_\_\_NO

**Please answer whether any of the following are applicable to you at this time. If your answer to any of the following is “YES”, please provide details and attach as a separate exhibit.**

7. You are presently a party to any other lawsuit not covered by any of the above questions in 1 through 6.  
 YES  NO
8. You have any delinquent federal, state or local taxes.  
 YES  NO
9. You have potential personal liability under contingency agreements, such as guarantees.  
 YES  NO
10. You are subject to any outstanding judgments.  
 YES  NO

If any event listed in (1) through (10) above has occurred, but you believe that such event is not material to an evaluation of your ability or integrity, please state the reason(s) for your belief on a separate exhibit.

In addition, if any event listed in (1) through (10) above has occurred, but you believe there are mitigating circumstances that the Arkansas Risk Capital Matching Fund or other persons considering an investment in the Company should consider, please describe on a separate exhibit.

**Please answer the following concerning your funding request. If your answer is “YES” please describe on a separate exhibit.**

11. Have you or any entity in which you were an officer, director or owner of 10% or more, directly or indirectly, of such entity ever requested government financing before?  
 YES  NO
12. Is this funding request, or any other request for financial assistance, presently under consideration at any other financial institution or state, federal or local agency?  
 YES  NO

**Personal Information of Directors, Key Shareholders (10% ownership) and Key Officers (CEO, President, CFO, COO, etc) to authorize the Arkansas Development Finance Authority to make inquiries as necessary to verify the accuracy of statements made and to determine creditworthiness.**

**Legal Name and Aliases:**

**Current Address:**

**Social Security Number:**

**I authorize the Arkansas Development Finance Authority to make inquiries as necessary to verify the accuracy of the statements made and to determine my creditworthiness. I certify the above and the statements contained in the attachments are true and accurate as of the stated dates. I understand FALSE statements may result in forfeiture of benefits and may be a violation of Federal Law.**

**Signature:** 

**Title:**

**Date:**