

# TITLE 355. OKLAHOMA INDUSTRIAL FINANCE AUTHORITY

## CHAPTER 1. ADMINISTRATIVE OPERATIONS

[Authority: 74 O.S., § 855(j)]

[Source: Codified 12-30-91]

### SUBCHAPTER 1. GENERAL PROVISIONS

#### **355:1-1-1. Purpose**

The rules of this Chapter have been adopted for the purpose of complying with the provisions of the Oklahoma Industry Finance Authority Act (74 O.S. §§ 851, et seq.) and the Administrative Procedures Act (75 O.S. §§ 250 et seq.). The rules of this chapter provide necessary hearing procedures on loan applications. Such rules also further define certain statutory terms.

#### **355:1-1-2. Definitions**

The following words and terms when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise. They further define terms appearing throughout the Oklahoma Industrial Finance Authority Act, 74 O.S. §§ 851 et seq.

**"Industrial"** means *any department or branch of art, occupation, or business; especially one which employs much labor and capital and is a distinct branch of trade.*

**"Industrial development agencies"** means *any Oklahoma incorporated organization, foundation, association or agency, trust created pursuant to § 176 of Title 60 of the Oklahoma Statutes, whether organized for profit or nonprofit, which shall have as its primary function the promotion, encouragement and development of industrial, recreational and/or manufacturing enterprises [74 O.S., § 853(d)] in Oklahoma. It shall also include agencies with other functions where the legislature has authorized the authority to make loans for such functions. [74 O.S., § 853(d).]*

**"Manufacturing"** means the production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties, or combinations whether by hand labor or machine. Whenever labor is bestowed upon an article which results in its assuming a new form, possessing new qualities or new combinations, the process of manufacturing has taken place, whether the thing produced be a small article of commerce or a structure.

**"Recreational enterprise"** means *amusement, cultural historical, nature, theme, water or zoological park or museum or aquarium. [74 O.S., § 853(j)]*

#### **355:1-1-3. Statutory citations**

Citations to statutes in this chapter refer to the most recent codification of the statute.

#### **355:1-1-4. Mission**

The Oklahoma Industrial Finance Authority is a constitutional authority established for the public good with the responsibility of aiding and assisting Oklahoma's industrial development and thereby provide additional employment. In establishing the OIFA the constitution and enabling legislation outlined specific parameters within which the OIFA was to operate.

### **355:1-1-5. Organization**

The Oklahoma Industrial Finance Authority is a public body corporate and politic governed by a Board of Directors. The Authority is governed by a seven person board. One of these members is the Executive Director of the Oklahoma Department of Commerce who sits on the Board ex officio. The other six voting members of the Board are appointed from the six congressional districts as they existed in 1959. The State Treasurer is an ex officio nonvoting member of the Board of Directors. The day to day management of the OIFA is vested in the President, who is an employee of the Authority and serves at the pleasure of the Board of Directors.

### **355:1-1-6. Severability**

Each provision of these rules and regulations in this Chapter is severable. If any provision is declared invalid, the invalidity shall not affect any other provisions of these rules.

### **355:1-1-7. Interpretation of rules**

The rules, regulations, and procedures of this chapter are adopted to simplify procedure, avoid delays, save expenses, and facilitate the administration of the Authority. To that end, these rules shall be given a fair and impartial construction. These rules shall be cumulative to the Administrative Procedures Act.

## **SUBCHAPTER 3. GENERAL COURSE AND METHOD OF OPERATIONS**

### **355:1-3-1. Official office**

The official office of the OIFA is located at Oklahoma City, Oklahoma. Office hours shall be from 8:30 a.m. to 5:00 p.m. each day, except Saturday and Sunday, and any legal holiday established by statute or proclamation of the Governor.

### **355:1-3-2. Meetings**

The Authority shall conduct meetings in accordance with its by-laws. The annual meeting of the Authority shall be held in July and will be fixed by the Chairman or the Vice Chairman if the Chairman is unable to act. Special meetings of the Authority shall be held when called by the Chairman of the Authority or the Vice Chairman if the Chairman is unable to act. Notice of the meetings shall be given according to the Oklahoma Open Meeting Act, 25 O.S., §§ 301 et seq., as amended.

### **355:1-3-3. Agenda items**

The President of the Authority shall cause an agenda to be prepared for each meeting of the Authority. Any matter which he deems necessary may be placed on the agenda. Any matter which any member of the Board of Directors of the Authority deems necessary shall be placed on the agenda if communicated to the President in time for lawful posting of the agenda. Other persons may make requests to the President for matters to be placed on the agenda for a meeting, but the decision to place such matters shall be made by the President who may consult with the Chairman of the Authority before making such decisions. All agenda items shall clearly explain the topic to be discussed and proposals for action by the

authority.

#### **355:1-3-4. Open records**

The President shall appoint one member of the Authority's staff to act as the open records contact person. All requests for the public records of the Authority shall be made upon this position who shall see to it that the public records of the Authority are available for inspection and/or copying to the requestor. The Authority will charge \$.25 per page for each copy of a public record made upon request and the identity of the open record contact person and the copy charge per page shall be posted at all times on the bulletin board outside the office of the Authority. The contact person or persons so designated shall decide if the request is for a record not otherwise made confidential under Oklahoma law. This person is authorized to discuss his decision with the President and legal counsel as may become necessary. All documents or other records submitted with a loan application except personal financial statements or other matters specifically kept confidential under Oklahoma or federal law shall be open for public inspection and copying.

### **SUBCHAPTER 5. HEARING PROCEDURES**

#### **355:1-5-1. Hearing notice**

(a) The Authority shall hold hearings on each loan application to determine whether the public purposes of the "Oklahoma Industrial Finance Authority Act" will be accomplished by the granting of the loan. Prior notice shall be given and include:

- (1) the time, place and nature of the hearing.
- (2) the legal authority and jurisdiction under which the hearing is to be held.

(b) If the authority or other party involved is unable to initially state the subject matter of the proceeding in detail, the initial notice need only state the issues involved. A more definite and detailed statement should be provided upon application. Notice of the hearing may be given by ordinary United States mail or telephonically at the address and phone number provided to the Authority in the application. Service of notice shall be complete upon personal service, upon the receipt of the card showing receipt of certified mail by the addressee or upon the posting of notice or first publication thereof, as the case may be.

#### **355:1-5-2. Hearing procedure**

(a) Unless the Chairman has appointed an individual board member to conduct an initial hearing the Chairman or Vice Chairman of the Authority shall preside over hearings before the full board. Each loan applicant shall be given sufficient opportunity to make presentation, exhibits and other support data to the Authority. The applicant shall be available to answer questions from the Authority. The Authority may ask questions of any party to the proceeding. Upon a majority vote of those board members present the Authority may go into closed session for the purpose of deliberating on the loan application. The Authority may then authorize the preparation of appropriate findings of fact and conclusions of law to support its decision but must come back into an open session for the purpose of recording each individual board member's vote on the loan application.

(b) The Chairman of the Authority is hereby authorized to appoint any member of the Authority for the purpose of conducting a hearing. A board member so appointed shall hear testimony and receive evidence and may issue subpoenas for

such hearing. The individual board member must then make a recommendation to the full Authority stating the reasons for his recommendation and the facts supporting his recommended findings of the individual board member and may render its decision after each board member has reviewed the record of the loan application hearing or the Authority may vote to hear the matter again. The President, with consultation of the individual Board member or Chairman of the full Authority, shall schedule such hearings and insure that the loan applicants receive proper notice of the hearing. Continuances of these hearings may be granted upon good cause shown.

**355:1-5-3. Record of hearing**

(a) A record of the hearing, by means of tape recording or shorthand notes, will be made of all hearings conducted by the Authority unless the loan applicant notifies the Authority that he wishes a court reporter to transcribe the hearing at the loan applicant's expense. A transcript of the proceedings shall not be transcribed except upon written application by any party to the action. The party requesting transcription will bear the cost and will pay a fee according to a schedule established by the Authority. An initial deposit set by the Authority also must be paid by said party.

(b) The record of the hearing and the file containing the proceedings will be maintained in a place designated by the President. The tape recordings of the proceedings shall be maintained for a period of one year. All minutes in individual proceedings shall be in writing. The minutes shall include all actions taken by the Authority.

**SUBCHAPTER 7. PROCEDURE FOR ADOPTION, AMENDMENT OR REPEAL OF A RULE**

**355:1-7-1. Notice of intended rulemaking action**

Prior to the adoption, amendment, or repeal of any rule, the Authority shall give notice, in accordance with the requirements of the Administrative Procedures Act. This notice shall include a statement of either the terms of substance of the intended action, which action shall be specified in the notice. This notice shall be mailed to all persons who have made a timely request of the Authority to receive advance notice of its rule-making proceedings.

**355:1-7-2. Public comment; requests for rulemaking**

The Authority shall afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing, to it concerning proposed action on a rule. Moreover, an interested person may petition the Authority requesting the promulgation, amendment or repeal of a rule. The petition shall be filed with the President of the Authority and shall set forth in writing, clearly and concisely, all matters pertaining to the requested action, the reasons for the request, and the names of those persons known to the Petitioner who are concerned with the subject matter of the Petition and should be notified of the filing of the Petition. The Authority shall act upon said Petition within a reasonable time. No action will be taken on such Petitions until the notice requirements established by the rules and regulations of this Chapter have been satisfied.

**355:1-7-3. Filing of rules; rulemaking hearings**



All rules of the Authority shall be filed and shall take effect according to the provisions of the Administrative Procedures Act. Unless otherwise specified by the Authority in the required notice, all rule-making hearings will be conducted in the Authority's office in Oklahoma City. Any interested person may appear, individually, by an attorney or his authorized agent at the Authority's rule-making hearings.

## **SUBCHAPTER 9. REQUESTS FOR DECLARATORY RULINGS**

### **355:1-9-1. Petition by interested party**

Any interested person or entity may petition the Authority for a declaratory order as to the applicability of any rule of the Authority.

### **355:1-9-2. Contents of petition**

A petition for a declaratory ruling must identify the rule questioned, the date on which such rule became effective, and shall set forth the contents of the rule. The petition shall contain a brief statement of the issue or issues raised by the rule which cause such a request to be made and a statement of the petitioner's personal interest in the ruling of the Authority and how a ruling of the Authority would affect those interests.

### **355:1-9-3. Action taken on petition**

Upon receipt of a petition for declaratory ruling the Authority shall consider the petition and within a reasonable time following receipt thereof, either deny the petition in writing, stating its reasons for denial, or issue a declaratory ruling on the matter(s) contained in the petition.

## **CHAPTER 10. INDUSTRIAL DEVELOPMENT LENDING**

[Authority: 74 O.S., § 855(j)]

[Source: Codified 12-30-91]

### **SUBCHAPTER 1. GENERAL PROVISIONS**

#### **355:10-1-1. Purpose**

The rules of this Chapter have been adopted for the purpose of complying with the provisions of the Oklahoma Industry Finance Authority Act (74 O.S. §§ 851, et seq.,) the Administrative Procedures Act (75 O.S., §§ 250 et seq.). The rules of this chapter are intended to adopt criteria by which the OIFA Board considers loan applications. Such rules also further define certain statutory terms.

#### **355:10-1-2. Definitions**

The following words and terms when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise. They further define terms appearing throughout the Oklahoma Industrial Finance Authority Act, 74 O.S. §§ 851 et seq.

**"Industrial"** means *any department or branch of art, occupation, or business; especially one which employs much labor and capital and is a distinct branch of trade.*

**"Industrial development agencies"** means *any Oklahoma incorporated organization, foundation, association or agency, trust created pursuant to § 176 of*

Title 60 of the Oklahoma Statutes, *whether organized for profit or nonprofit, which shall have as its primary function the promotion, encouragement and development of industrial, recreational and/or manufacturing enterprises* [74 O.S., § 853(d)] in Oklahoma. It shall also include agencies with other functions where the legislature has authorized the authority to make loans for such functions. [74 O.S., § 853(d).]

**"Manufacturing"** means the production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties, or combinations whether by hand labor or machine. Whenever labor is bestowed upon an article which results in its assuming a new form, possessing new qualities or new combinations, the process of manufacturing has taken place, whether the thing produced be a small article of commerce or a structure.

**"Recreational enterprises"** means *amusement, cultural, historical, nature, theme, water or zoological park or museum or aquarium.* [74 O.S., § 853(j)]

### **355:10-1-3. Statutory Citations**

Citations to statutes in this chapter refer to the most recent codification of the statute.

### **355:10-1-4. Mission**

The mission of the Oklahoma Industrial Finance Authority is to aid and assist with Oklahoma's industrial development through making loans to industrial development agencies for the acquisition of real property and equipment to be used by responsible industrial tenants. Through providing such loans to industrial development agencies, the OIFA's mission is to provide additional employment and payrolls within this state and to help diversify the state's economy.

### **355:10-1-5. Severability**

Each provision of these rules and regulations in this Chapter is severable. If any provision is declared invalid, the invalidity shall not affect any other provisions of these rules.

### **355:10-1-6. Interpretation of rules**

The rules, regulations, and procedures of this chapter are adopted to simplify procedure, avoid delays, save expenses, and facilitate the administration of the Authority. To that end, these rules shall be given a fair and impartial construction. These rules shall be cumulative to the Administrative Procedures Act.

## **SUBCHAPTER 3. INDUSTRIAL PROJECT ELIGIBILITY**

### **355:10-3-1. Qualifying Industrial enterprises**

Loans may only be made by the Authority to finance the acquisition or construction, expansion or establishment of qualifying industrial enterprises. Such enterprises may be for industrial, manufacturing or recreational purposes as those terms are defined in the OIFA Act and this chapter. All loans made by the Authority must be secured by first or second mortgages on real property or leasehold estates, in addition to security interests in equipment to be used in the project.

### **355:10-3-2. Loan limit**

The Authority may loan up to Two Million Dollars (\$2,000,000.00) on any single qualifying industrial project irrespective of the number of industrial development agencies participating in the financing of such a loan. Subject to this ceiling the Authority may loan an amount up to 66 2/3 percent of the cost or value of qualifying industrial properties connected with the industrial project if the project is secured by both a first mortgage and first security interest in all of the industrial properties. The authority may loan up to 33 1/3 percent of the cost or value of qualifying industrial when the loan is to be secured by a second mortgage in real property and/or second security interest in the equipment of such industrial project. The ceiling on second mortgage loans is One Million Dollars (1,000,000.00.) The cost or value of nonqualifying collateral shall not be included in these computations. For purposes of calculating the cost or value of such industrial properties other cost necessary in establishing such an industrial project may include those items authorized by statute in § 853(1) of Title 74 of the Oklahoma Statutes, as amended.

### **355:10-3-3. Collateral**

At least twenty five percent of the cost or value of the qualifying industrial property shall be real property or an interest in real property. The Authority may also make loans secured by a mortgage or lien on a leasehold estate held by an industrial development agency. In order to qualify for a loan secured by a leasehold estate the lease must be one and one-half times the term of the loan to the industrial development agency and the owner of the real property subject to the leasehold estate until the full balance of the OIFA loan is paid.

## **SUBCHAPTER 5. LOAN APPLICATION AND INDUSTRIAL PROJECT EVALUATION CRITERIA**

### **355:10-5-1. Application form; signature**

Each application for an OIFA loan shall be made on the official loan application form set forth in Appendix A of this chapter. Each application form must be signed by the authorized officer of the industrial development agency that will receive the loan.

### **355:10-5-2. Loan application contents**

To be eligible for consideration each loan application must be completely filled out with complete information as requested on the form. Each application must contain an appraisal or acceptable cost estimate for the industrial project. The real property and equipment which will secure the loan must be properly identified. There must be a general description of the enterprise to be financed. The application should contain biographies and financial statements on the individual principals behind the responsible tenant that will occupy the industrial premises. The application should also contain a complete description of the financing package with other financing sources and capital to be invested in the industrial project. The loan application must contain a description of the proposed contract between the responsible tenant and the industrial development agency and also the proposed contract between the industrial development agency and the OIFA. The loan application must state with particularity how the financing of this project will satisfy the public purposes of the OIFA Act and the criteria adopted by the OIFA.

### **355:10-5-3. Submission of application**

(a) Each completed application shall be submitted to the OIFA at its principal office in Oklahoma City. The OIFA staff is authorized to reject any application which does not meet the minimum statutory requirements for an eligible industrial project or which does not comply with this chapter.

(b) All loan applications, including documentation (9 copies), must be submitted to the OIFA office at least 20 calendar days prior to the next scheduled meeting for consideration at said meeting unless an emergency is declared by unanimous consent of the board.

#### **355:10-5-4. Loan application fee**

A fee equal to 1/2 of 1% of the requested loan amount shall be payable at the time the application is submitted. Should the loan application be denied by the Authority, this fee shall be refunded to the applicant less \$500.00 or the amount of out-of-pocket expenses incurred by the Authority in processing the loan application, whichever is greater.

#### **355:10-5-5. Funding criteria**

(a) The Authority recognizes that its available funds and monies to be received through the issuance of future bond issues are a precious resource and should be made to the most deserving and viable loan applicants. In deciding whether to fund a loan the Authority shall consider the following criteria. However, the presence of any single criterion, or the absence of any single criterion, shall not automatically qualify or disqualify a loan applicant. These criteria are meant to be factors considered by the Authority in its finding that the project will further the public purpose of the Oklahoma Industrial Finance Authority Act, 74 O.S. §§ 851 et seq.

(1) The industrial tenant or responsible buyer for the industrial project financially responsible to assume all obligations prescribed by the Authority in the acquisition of the industrial development project and in the operation of an industrial, manufacturing or recreational enterprise therein or thereon.

(2) Funding of the loan will increase jobs in the community and state or will preserve and save jobs in the community or state.

(3) Funding the loan will help diversify the economy of the State of Oklahoma.

(4) Funding of the loan will also attract money into the state through additional sales or result in additional new investment into the state.

(5) The project will attract tourists to the state.

(6) A substantial increase, preservation or retention of jobs must be considered. Minimum job limit should be 10; cost per job should not exceed \$30,000 per job; seasonal employment should be adjusted to an annual basis, i.e. 20 jobs for 3 months equals 5 permanent jobs.

(b) All the criteria in (a) of this Section shall apply unless an emergency is declared by unanimous consent of the Authority.

#### **355:10-5-6. Statutory loan requirements; public purpose**

Prior to approval of any loan applied for, the Authority must find that the public purposes of the law will be thereby served, that the amount of such loan will not exceed the statutory percentage limits of the cost of the project, as such costs are defined by law and that all other statutory requirements have been fully met.

#### **355:10-5-7. Interest rate**

- (a) The rate of interest to be charged on loans made by the Authority shall be determined by it after the interest rate payable upon its bonds shall become known, and with due regard for the necessity of creating reserves for legitimate purposes as the same shall appear to the Authority in the prudent operation of its affairs.
- (b) Repayment of loans shall be in accordance with provisions agreed upon and incorporated in the terms of each loan made by the Authority.

### 355:10-5-8. Equity and managerial ability

- (a) Equity on loans made by the Authority should be at least equal to 25% of the project's development cost. Equity should be considered as follows:
- (1) Cash.
  - (2) Assets readily convertible to cash.
  - (3) Grant funds considered for working capital only.
- (b) Borrowers must demonstrate managerial ability through past experience (5 years profitable).

## APPENDIX A. INDUSTRIAL PROJECT - LOAN APPLICATION

Figure 1

STATE OF OKLAHOMA  
OKLAHOMA INDUSTRIAL FINANCE AUTHORITY  
Two Broadway Executive Park  
205 Northwest 63rd Street, Suite 260  
Oklahoma City, Oklahoma 73116  
John G. Understock  
Executive Vice President  
(405) 521-2182

Date Received \_\_\_\_\_

BORROWER - Industrial Development Agency Name  
(Trust Authority/Foundation, Corp.) Certification Date: \_\_\_\_\_, 19\_\_\_\_  
Official Name: \_\_\_\_\_ Telephone: (405) \_\_\_\_\_  
Name of Chairman/President \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Zip \_\_\_\_\_

1. O.I.F.A. Loan Amount Requested: \_\_\_\_\_ Term: \_\_\_\_\_ years  
Dollar Amount \$ \_\_\_\_\_ Interest Rate: \_\_\_\_\_  
Mortgage - 1st or 2nd \_\_\_\_\_ Application Fee Enclosed.  
(Fee is 1/2 of one percent of loan amount)

2. Estimated Cost of Project:  
Land \$ \_\_\_\_\_ \*(OIFA loan is up to 66-2/3% of cost  
Building \$ \_\_\_\_\_ subtotal for first mortgage loan or  
Heavy Stationary Equipment \$ \_\_\_\_\_ 33-1/3% of cost subtotal for second  
\* Sub-Total \$ \_\_\_\_\_ mortgage loan)  
Portable Equipment \$ \_\_\_\_\_ (automotive equipment, hand tools,  
Total Cost \$ \_\_\_\_\_ office furniture, etc.)

3. Other Financing: \_\_\_\_\_ Term: \_\_\_\_\_ years  
Dollar Amount \$ \_\_\_\_\_ Interest Rate: \_\_\_\_\_  
Mortgage - 1st or Parity \_\_\_\_\_  
Name of Mortgagee: \_\_\_\_\_

4. Financial Consultant and Attorney representing Development Agency:  
Firm Name, Address & Phone \_\_\_\_\_  
Community Participation - Descriptive Letter:  
Amount \$ \_\_\_\_\_ (Please Attach Explanation)

Figure 2

6. Financial Statement of Industrial Development Agency: FROM \_\_\_\_\_ TO \_\_\_\_\_  
a. Balance Sheet  
b. Income Statement  
(To be certified by an independent CPA and containing a full disclosure of all assets and liabilities of the applicant.)

7. Timing: (Indicate estimated dates)  
O.I.F.A. Proceeds needed: \_\_\_\_\_  
Proposed date to begin construction \_\_\_\_\_  
Estimated date of completion \_\_\_\_\_

8. Architect/Engineer responsible for preparing plans and specifications:  
Name of Firm \_\_\_\_\_  
Contact \_\_\_\_\_  
Address \_\_\_\_\_

NOTICE: BY SIGNING THIS APPLICATION, THE INDUSTRIAL TENANT UNDERSTANDS THAT THE OIFA LOAN APPLICATION AND ALL SUPPORTING DATA SUBMITTED WILL BECOME THE PROPERTY OF OIFA AND WILL NOT BE RETURNED.

1. Name of Industrial Tenant or Purchaser: (Name of Industrial Tenant confidential? \_\_\_\_\_)  
(If Industrial Tenant is a corporation, please use name as shown on Certificate of Incorporation.)  
Name of President or Chief Executive Officer \_\_\_\_\_  
Plant Address \_\_\_\_\_ Zip \_\_\_\_\_  
Social Security Number \_\_\_\_\_ Full Phone No. \_\_\_\_\_

2. Immediate Annual Payroll \$ \_\_\_\_\_

3. Beginning Estimated Number Employees: Male \_\_\_\_\_ Female \_\_\_\_\_ Total \_\_\_\_\_

4. Future Annual Payroll \$ \_\_\_\_\_ Employees \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_

5. Skills required \_\_\_\_\_

6. Product(s) \_\_\_\_\_

7. Attach separate sheet showing legal description \_\_\_\_\_ Acres \_\_\_\_\_

8. Owner of Record \_\_\_\_\_

9. Attach copy of Lease.

Figure 3

10. Square footage of building \_\_\_\_\_ Ceiling height \_\_\_\_\_ Land Size \_\_\_\_\_
11. Type construction \_\_\_\_\_
12. Attach drawing of site \_\_\_\_\_ Improved \_\_\_\_\_ Unimproved \_\_\_\_\_
13. How long has Industrial Tenant been in business \_\_\_\_\_ Date Started \_\_\_\_\_
14. Proposed salary of top three executives: 1. \_\_\_\_\_  
2. \_\_\_\_\_ 3. \_\_\_\_\_
15. Majority interest ownership breakdown \_\_\_\_\_

16. Financial Statement for Industrial Tenant: FROM \_\_\_\_\_ TO \_\_\_\_\_
  - a. Balance Sheet
  - b. Income Statement

(To be certified by an independent CPA and containing a full disclosure of all assets and liabilities of the applicant.)

**NOTICE: BY SIGNING THIS APPLICATION, THE INDUSTRIAL TENANT GIVES PERMISSION FOR OIFA TO REQUEST CONSUMER CREDIT REPORTS OR ANY OTHER INFORMATION DEEMED NECESSARY IN RELATION TO THE INDUSTRIAL TENANT OR ANY INDIVIDUAL ASSOCIATED WITH THE INDUSTRIAL TENANT'S LOAN APPLICATION.**

Under separate cover, the guarantor, if an individual or corporation, will list the full name (and spouse's full name, if married), home address, and social security number.

If application is made for a publicly traded corporation, a copy of the S.E.C. 10-K report plus audited statements will be submitted to OIFA along with a copy of the certificate of incorporation with receipt for franchise tax. OIFA will require the applicant to provide a letter of the principal bank regarding status of credit.

17. Have top executives, their employers, or any guarantors taken bankruptcy within the past seven years? Yes \_\_\_\_\_ No \_\_\_\_\_
18. Is this a new project or expansion for existing project? \_\_\_\_\_
19. Provide evidence that the establishment of the industrial development project will not cause the removal of an industrial or manufacturing facility from one area of the State to another area of the State or replace an existing industry.
20. Provide evidence that the project has a good probability of being successful and that there will be an indication of a substantial increase in employment and payroll as a result of the granting of these loans.
21. If Industrial Tenant is a closely held corporation, will the major stockholders sign a guaranty to O.I.F.A.? Yes \_\_\_\_\_ No \_\_\_\_\_ N/A \_\_\_\_\_

## Figure 4

22. If Industrial Tenant is a closely held corporation or other entity, will the owners furnish O.I.F.A. with key man life insurance? Yes \_\_\_\_\_ No \_\_\_\_\_ N/A \_\_\_\_\_

23. Borrower understands that OIFA will charge fees equal to 1 1/2 % (one and one half percent) of the amount of the loan. An amount equal to 1/2 of 1% (one half of one percent) of the loan will be submitted with the loan application and if the loan application is approved an amount equal to the remaining 1% (one percent) will be due at closing.

In consideration of a (first second) mortgage loan from the Oklahoma Industrial Finance Authority in the amount of \$ \_\_\_\_\_, ANNUAL FINANCIAL STATEMENTS and EMPLOYMENT FIGURES WILL BE FURNISHED TO the Oklahoma Industrial Finance Authority, OR ANY OTHER FINANCIAL DATA THAT MAY BE REQUIRED BY O.I.F.A. FROM TIME TO TIME.

**NOTICE: THE COMPLETION OF THIS APPLICATION OR INTERVIEWS WITH OIFA STAFF PERSONNEL DOES NOT CONSTITUTE AN OBLIGATION TO LEND NOR A COMMITMENT FOR LOAN FUNDS.**

### CERTIFICATION

The undersigned, duly authorized officers of the Industrial Development Agency (Borrower) and duly authorized officers of the Industrial Tenant (Purchaser), respectively, hereby certify that the file of this application was duly authorized by the Board of Directors (Governing Board); that the statements made in the foregoing application and all exhibits and supplementary information furnished, or to be furnished in connection with this loan application, are true and correct to the best information and belief of the undersigned and are submitted as a basis of the loan.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Please acknowledge receipt of this hearing notice and state your preference as to the type of hearing to be held - either formal or informal hearing. If a formal hearing is requested, all material to be presented must be submitted prior to the hearing. If an informal hearing is held, the directors discuss the merits of the project with the participants at the meeting.

- \_\_\_\_\_ Formal hearing requested.  
\_\_\_\_\_ Informal hearing requested.

## Figure 5

INDUSTRIAL DEVELOPMENT AGENCY (Borrower)  
Official Name \_\_\_\_\_

By \_\_\_\_\_  
President/Chairman

ATTEST:

Secretary

S E A L

INDUSTRIAL TENANT (Purchaser)  
Official Name \_\_\_\_\_

By \_\_\_\_\_  
President/Chairman

ATTEST:

Secretary

S E A L