

Application for Investment



West Virginia Jobs Investment Trust Board

1012 Kanawha Boulevard, East - Fifth Floor
Charleston, West Virginia 25301
Telephone: 304-345-6200 - FAX : 304-345-6262
Email: acz.jit@frontier.com

Date of Application: ____/____/____

Applicant Information:

Firm Name: _____

DBA: _____

Mailing Address: _____

Telephone: A/C (_____)_____-_____ Fax: A/C(_____)_____-_____

Contact Person: _____

Federal EIN: _____

WV Tax ID No.: _____

Describe the structure of the Applicant (the type of the entity and the State of organization). Additionally, provide information on registration or authorization to do business in West Virginia.

The Investment:

Describe, in an attachment, the investment sought from JIT and specifically state the following:

- 1) **The names and address of the principals of the business and its Board of Directors;**
- 2) **The location(s) of the project;**
- 3) **The amount of the investment or financial assistance requested of the JIT Board;**
- 4) **The purpose of the investment or financial assistance;**
- 5) **The proposed structure of the investment;**

- 6) **Names and addresses of all persons holding, or proposed to hold, ten percent or more of the equity of the entity requesting the investment;**
- 7) **Names and addresses of all persons acting as a broker, financial advisor or in any other capacity to whom a fee will be paid or is proposed to be paid in connection with this application and the amount of the proposed fee. Persons or entities not listed are not permitted to receive any fee; and**
- 8) **List all other ventures in which the principals currently hold twenty percent or more in equity.**

Representations By Applicant, Principals and Substantial Owners

The Applicant, its affiliates, principals, and substantial owners have never been convicted of any criminal offense (other than a minor motor vehicle violation) and are not presently under indictment under the laws of the United States, any state or sovereign government.

The Applicant, its affiliates, principals, and substantial owners have never sought protection nor involuntarily been the subject of a bankruptcy or insolvency proceeding.

The Applicant is qualified to do business in West Virginia and is in good standing with all applicable laws affecting the conduct of such business.

The Applicant is in good standing with the Department of Tax and Revenue. The filing of this Application is a duly authorized action by the Applicant and the statements in this application and all documentation submitted in connection herewith are true and correct to the best information and belief of the undersigned and are submitted as a basis for the investment.

Acknowledgments/Consents/Agreements by Applicant

The Applicant hereby acknowledges that W. Va. Code §§ 12-7-11, 12, 14 permit and/or require certain documentary materials regarding (i) all applicants for WVJITB funding, and (ii) all WVJITB portfolio companies to be disclosed, and/or included in reports or audits relating to the operations of the WVJITB; documentary materials that Applicant might prefer would remain confidential. Applicant hereby consents to the WVJITB's actions in complying with such disclosure/reports/audit requirements and disclosures and in the appropriate distribution of said disclosures, reports and audits.

The Applicant hereby further acknowledges that WVJITB is required and/or may elect to disclose or report documentary materials relating to applicants and their operations to the United States Treasury and its officers, agents, representatives and successors and assigns in connection with the State Small Business Credit Initiative program established by Congress under the Small Business Jobs Act of 2010, Public Law 111-240, 124 Stat. 2568, 2582, documentary materials that Applicant might prefer would remain confidential. Applicant hereby consents to the WVJITB actions regarding such disclosures, which disclosures are to occur only if an applicant is seeking or receives a WVJITB investment using funds originating with the SSBCI program.

Applicant hereby acknowledges that the WVJITB has limitations on it by the Constitution of West Virginia which precludes it from becoming responsible for any corporation's (or other entity's) or any person's debts or liabilities through indemnification provisions or otherwise. Applicant hereby agrees that it shall not at any time request the WVJITB to agree to any contractual provisions that would be in violation of said Constitutional prohibition.

Authority To Request and Review Information

The Applicant hereby authorizes any agency of the State of West Virginia and any political division of the State to report to the JIT Board or its staff regarding the Firm's compliance with regulatory or tax statutes, rules, regulations, ordinances, and decrees.

The Applicant hereby authorizes any staff member of JIT the right to review all material related to the financial history of the Applicant and related information regarding the investment. I/we also authorize investigation of my/our personal history and financial and credit records through any investigative or credit agencies of your choice.

Applicant agrees to execute any additional documents that may be required to accomplish the foregoing.

Signature: _____

Date: ___/___/___

Signature: _____

Date: ___/___/___

Signature: _____

Date: ___/___/___

WEST VIRGINIA JOBS INVESTMENT TRUST BOARD

Enterprise/Corporate Pledge

In the spirit of being a good citizen of the State of West Virginia and for having received an investment or other assistance from the West Virginia Jobs Investment Trust the entity receiving the assistance pledges as follows:

In general the entity will:

- Maintain its principal place of business in West Virginia;
- Employ West Virginia residents whenever reasonably possible;
- Maintain its bank accounts in West Virginia;
- Contract for the provision of supplies, materials, parts and labor with West Virginia providers whenever reasonably possible and economically feasible;
- Employ West Virginia subcontractors whenever reasonably possible and economically feasible;
- Provide that all contracts and agreements be subject to and governed by West Virginia law and that the choice of forum be West Virginia;
- Become or maintain a status as an entity organized in West Virginia or qualified to do business in West Virginia;
- Be current in the payment of all taxes, licenses, fees, assessments, premiums, deposits and other obligations payable to or levied or assessed by the State of West Virginia;
- Promote economic development and job creation in West Virginia;
- Commit that its principals shall devote substantially all of their time to the business or entity assisted by JIT; and
- No other entity, venture or businesses controlled by or affiliated with this entity shall be formed or acquired without the prior written consent of JIT.