

## Criminal Offense (SBA Form 912) Clearance

Since the principal has a prior criminal offense, the SBA requires clearance. Misdemeanors can be cleared internally by the Lender; Felonies require SBA clearance. The SOP states: "Every proprietor, general partner, officer, director, managing member of an LLC, owner of 20% or more of the equity of the Applicant, Trustor, and any person hired by the Applicant to manage day-to-day operations must be of good character." Please fill out all items on this form to document clearance.

### Statement of Personal History

The applicant must fill out SBA Form 912 - Statement of Personal History in its entirety. Initials are needed on Questions #5, #7, #8, and #9. A signature is needed at the bottom of the form.

### Required Documentation

- ✓ The Applicant must provide a copy of the court docket summary.
- ✓ The Applicant must include a letter or other documentation from the courthouse verifying the disposition of the charges. This can be a letter from the courthouse stating as such.
- ✓ The Applicant must include a dated and signed explanation of the incident including statement that all conditions of the court have been satisfied.
- ✓ The Applicant must include a short paragraph describing the incident and what he/she has done to ensure that the offense doesn't happen again. Please be very specific.
- ✓ When the Applicant discloses a felony arrest, a Fingerprint Card (FD 258) must be completed and submitted to SBA for clearance.

### Procedures for Processing

**MISDEMEANOR CHARGES:** Please submit all forms and documentation noted above to Prudent Lenders. The Lender must provide signed certification that the Applicant has been cleared. Include the following language: "The lender has retained the supporting information and court documentation for \_\_\_\_\_, including the original SBA Form 912 in the file and determined upon review of the court's disposition that all disclosed crimes were misdemeanor convictions whose conditions were met more than six months prior to receipt of the application and there were no convictions for crimes against minors."

**FELONY CHARGES:** Please submit all forms and documentation noted above to Prudent Lenders. Please mail the fingerprint card and all documentation to:

Chris Levy, NYBDC  
50 Beaver Street, Fifth Floor  
Albany, NY 12207

Prudent Lenders will submit the Clearance Package to SBA for approval. The Lender will be listed as the contact on all submissions to SBA. Please inform Prudent Lenders of any feedback from SBA in regards to the Clearance Package. Documents will be sent to SBA:

U.S. Small Business Administration  
Office of Capital Access; Attn: 912 Processing  
409 3rd Street SW, 8th Floor  
Washington, D.C. 20416

## Applicant Statement of Offenses

Applicant Name

Provide the date of the offense(s), including month, day (if possible), and year.

Provide the city and state or county and state where the offenses occurred.

Describe the specific charges (e.g. DUI, assault, forgery, robbery).

Describe the level of each of the charges (e.g. misdemeanor, felony).

Describe the disposition of the charges, including any fines imposed, jail time, probation terms, etc.

Provide a detailed description of the incident and what has been done to ensure it does not happen again.

Provide a statement ensuring that all conditions of the court have been satisfied.

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Applicant Signature

Date