

3300 Business and Industrial Development Corporations**3306 Bidco Minimum Requirements for Books, Accounts and Other Records**

5 Del.C. §§3306(b) and 3341(a)

Formerly Regulation No.: 5.3341(a).0006

Effective Date: January 11, 1993

1.0 Pursuant to §3341(a) of Title 5 of the Delaware Code, each licensee shall:

- 1.1 Submit a complete copy of their corporate by-laws no later than 30 days from the date of issuance of a license authorizing said corporation to conduct the business of, and incidental to, a Bidco. Subsequent amendments to by-laws should be submitted within 30 days of the amendment.
- 1.2 Post the license(s) prominently in each place of business of the licensee. The posted license shall appropriately reflect the location of the office. In case such location is to be changed, the licensee shall return the license to the State Bank Commissioner to be endorsed for the location change. Such change and endorsement shall be at no charge.
- 1.3 Each licensed office shall establish and maintain the following books and records on a current basis, either at the main office of the licensee or at alternate licensed offices, providing the information can be made available at the main office location within a 72 hour period. There may be suitable variations to accommodate individual accounting systems, provided the required data is kept on a current basis and is readily available to the examiners, when requested.
 - 1.3.1 A licensee shall maintain a record of all transactions involving receipt or disbursement of money by that office each day. The record shall identify each transaction; show account numbers and names of the business firms assisted; show amounts disbursed; show amounts received and the distribution of such amounts among principal, interest, and other charges.
 - 1.3.2 For each business firm to which financing assistance is provided, a licensee shall maintain a record containing all of the following information:
 - 1.3.2.1 Loan or account number;
 - 1.3.2.3 Loan or investment date;
 - 1.3.2.4 Loan or investment amount;
 - 1.3.2.5 Rate of charge and/or return on equity provisions;
 - 1.3.2.6 Repayment terms;
 - 1.3.2.7 Indication of management assistance provisions;
 - 1.3.2.8 Description of collateral, if secured;
 - 1.3.2.9 Indication of guarantors, if any;
 - 1.3.2.10 Description and amount of fees collected from the business firm;
 - 1.3.2.11 Dates and amounts of all payments received and cash disbursements made.
 - 1.3.2.12 Date to which interest charges are paid, and the unpaid principal balance due;
 - 1.3.2.13 A description of any other services provided to the client by the Bidco which are incidental to the conduct of the Bidco, and the fees derived from said services.
 - 1.3.3 For each business firm which qualifies under subsection 1.3.2, the following additional information shall be maintained:
 - 1.3.3.1 Applications, credit decisions documentation, and all correspondence;
 - 1.3.3.2 Evidence and documentation regarding restructured loans;
 - 1.3.3.3 Financial assistance agreements including any participation agreements and plans to exit from the loan or investment at maturity;
 - 1.3.3.4 Management assistance agreements including identification of type, frequency, and costs involved;

- 1.3.3.5 Documentation of management assistance provided;
- 1.3.3.6 Loan performance evaluations including an evaluation of cash flows and income projections.
- 1.3.4 For each business firm to which financing assistance is denied, a licensee shall maintain a record containing all of the following information:
 - 1.3.4.1 Business firm's name and address;
 - 1.3.4.2 Applications, credit decision documentation and all correspondence.
- 1.4 A licensee shall maintain consolidated reports showing its assets, liabilities, income and expenses. The reports shall be consolidated quarterly or at such specific intervals as the Commissioner may otherwise request.
- 1.5 All written correspondence between the Office of the State Bank Commissioner and the licensee shall be retained by the licensee in a file designated as such and available for review at the main office location.
- 1.6 All applicable procedural, interpretative, operational or other regulations issued pursuant to this chapter shall be maintained and available for review at the main office location.