



## Tribal Employment Rights Commission

Poarch Band of Creek Indians

5811 Jack Springs Road • Atmore, Alabama 36502

Location: 3480 Highway 21

Phone: (251) 368-0606 Ext. 07 • Fax: (251) 368-9312

### TRIBAL EMPLOYMENT RIGHTS OFFICE (TERO) INDIAN CERTIFICATION APPLICATION

**NOTE: ONLY FULLY COMPLETED ORIGINAL APPLICATIONS INCLUDING ALL ADDITIONAL INFORMATION REQUESTED WILL BE CONSIDERED.**

Check the box you are applying for (you may only select one):

1. Tribal Business (Poarch Band of Creek Indians)  
A. Ownership- A Tribal Entity must own 100% of the business.  
B. Control- Tribal Employees must exercise 100% management and supervisory control of the day-to-day operations of the business.
2. 100% Tribal Member Business (Poarch Band of Creek Indians)  
A. Ownership- Tribal members must own 100% of the business  
B. Control- Tribal members must exercise 100% management and supervisory control of the day-to-day operations of the business.
3. 51% Tribal Member Business (Poarch Band of Creek Indians)  
A. Ownership- Tribal Members must own at least 51% of the business  
B. Control- Tribal Members must exercise majority control of the business and be substantially involved in the day-to-day management and operations of the business.
4. Indian Business  
C. Ownership- Indians must own at least 51% of the business  
D. Control- Indians must exercise majority control of the business and be substantially involved in the day-to-day management and operations of the business.

Official Business Name as it appears on legal documentation:

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Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Directions to business location:

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Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Website: \_\_\_\_\_

Email Address: \_\_\_\_\_

FEIN # (or Social Security Number): \_\_\_\_\_

Name of Owner(s) who is/are American Indian of a federally recognized tribe:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Existence of Applicant(s) under different ownership, as different type of business, and/or under a different name:

\_\_\_\_\_

\_\_\_\_\_

Number of Year(s) the American Indian(s) has/have been the owner:

\_\_\_\_\_

Tribe: \_\_\_\_\_ Roll Number: \_\_\_\_\_

Tribe: \_\_\_\_\_ Roll Number: \_\_\_\_\_

Tribe: \_\_\_\_\_ Roll Number: \_\_\_\_\_

Ownership Interest (percentages): \_\_\_\_\_

Duration of American Indian(s) owners' ownership interest: \_\_\_\_\_

Type of Business:  Corporation  Partnership  Sole Proprietorship  Limited Liability Company  
 Non-Profit  Other: \_\_\_\_\_

What date and year was the establishment of the business? \_\_\_\_\_

Number of Tribal Member (Poarch Band of Creek Indians) Employees: \_\_\_\_\_

Number of First Generation Descendant Employees: \_\_\_\_\_

Number of Spouse of Tribal Member Employees: \_\_\_\_\_

Number of Indian (Enrolled Member of other federally-recognized tribe) Employees: \_\_\_\_\_

Number of Non-Indian Employees: \_\_\_\_\_

Identify if Owner(s) is/are a member of a Board, Commission, Committee, and/or an Authority with the Poarch Band of Creek Indians: \_\_\_\_\_ Yes \_\_\_\_\_ No

Is the Owner(s) an employee of any of the Poarch Band of Creek Indians' Tribal Entities: \_\_\_\_\_ Yes \_\_\_\_\_ No  
If yes, specify which Tribal Entity that the Owner(s) is employed with and specify, the Owner(s) current position held within the said tribal entity:

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If the Owner(s) is/are a member of a Board, Commission, Committee, and/or an Authority with and/or of the Poarch Band of Creek Indians, specify the name(s) of the Board, Commission, Committee, and/or an Authority and the Owner(s) term year(s):

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Primary Business Activities of the Applicant:

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Method of Acquisition of Business (How did the Owner(s) acquire the Business by cash, loan, SBA, etc.):

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Identification of board of directors and officers if the Applicant is a corporation or limited liability company:

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Date of last shareholder or member meeting if the Applicant is a corporation or limited liability company: \_\_\_\_\_

Identification of registered agent for service of process if the Applicant is a corporation or limited liability company: \_\_\_\_\_

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Identification of management personnel: (Attach and/or include additional documentation for the identification of management personnel if needed.)

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Identification of any other business that the Applicant relies on for management functions or employee payroll: (Attach and/or include additional documentation for the identification of any other business that the Applicant relies on for management functions or employee payroll if needed)

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Identify any management or supervisory functions that an owner, director, or officer performs for any other businesses:

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Identify any ownership or management interest of any of the owners, directors or officers in any other business that has a relationship with the Applicant:

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Identify any management personnel who perform management or supervisory functions for any other businesses:

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Identify any ownership or management interest of any management personnel in any other business that has a relationship with the Applicant:

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**Note: All Businesses will be Subject To an Interview by TERO Prior to Certification Determination.**

**Required Additional Information to be attached for all Applicant(s):**

1. Certificate of Indian Blood and/or Tribal Identification Card for Each Tribal Member/Indian(s) Owner(s).
2. Copy of Photo Identification (driver's license or state Identification card) for Each Tribal Member/Indian(s) Owner(s) and Non-Indian(s) Owner(s).
3. Resume of Indian Owner(s) and/or Non-Indian(s) Owner(s).

**Required Documentation to be submitted with the Initial Application for Tribal Businesses (Poarch Band of Creek Indians):**

1. Identification of board of directors and officers.
2. The Tribal charter, ordinance, or resolution establishing the Applicant as a business of the Poarch Band of Creek Indians.
3. Copy of IRS Entity Identification Number assignment or a W-9 signed by an authorized officer or director.
4. Resume of all current key employees demonstrating experience and education to manage a business engaged in the requested registration categories.
5. Copies of personal certifications from state, college, technical school or local agencies for any owners and key employees demonstrating experience and education to manage a business engaged in the requested registration categories.
6. Copies of all necessary licenses and certifications held by any employee of the Applicant that may be required in order to legally perform activities in the requested registration categories. This may include, but is not limited to, a business license, a sales tax number, state licenses.
7. Any other documentation required by the TERO Office to complete the certification process.

**Required Documentation to be submitted with the Initial Application for 100% Tribal Member Business, 51% Tribal Member Business, and Indian Business (including, Indian Business owned by other federally recognized tribes):**

**Partnerships:**

1. Partnership agreements.
2. Copy of IRS Entity Identification Number assignment or W-9 form signed by the Indian Owner(s).
3. Partnership tax return (Form 1065) including the partners' Schedule K-1 for the past two years, or if a new business, all returns available from date opened to present.

**Corporations:**

1. Recorded Articles of Incorporation or other organization document and by laws.
2. Minutes for past year, or if a new business, since inception.
3. Copies of any resolutions affecting ownership.
4. Copy of all stock certificates issued or voided.
5. Copy of IRS Entity Identification Number assignment or W-9 form signed by the Indian Owner(s).
6. Corporate tax return (Form 1120/1120S) for the past two years, or all returns available from date opened to present. S Corporation tax return to include partners Schedule K-1.

**Limited Liability Companies:**

1. Recorded Articles of Organization, Certificate of Formation, or other organizational document which shall include list of members.
2. Copy of the Operating Agreement.
3. Minutes for the past year, or if a new business, since inception.
4. Copy of IRS Entity Identification Number assignment or W-9 form for the Indian Owner(s).
5. Documentation of how LLC is taxed.

**Indian Business owned by other federally recognized tribe:**

1. The Tribal charter, ordinance, or resolution establishing the Applicant as a business of the tribe.
2. Copy of IRS Entity Identification Number assignment or W-9 form signed by an authorized officer or director.

**Additional Required Documentation to be submitted with the Initial Application for 100% Tribal Member Business, 51% Tribal Member Business, and Indian Business (including, Indian Business owned by other federally recognized tribes):**

1. A list of all payments made to non-Indian owner(s), including, but not limited to, salaries, wages, contract labor payments, management fees, and rental fees.
2. Each owner's education, knowledge and experience in the same or similar area of business.
3. The amount of investment by each owner.
4. A list of total debt owed by the Applicant to lenders which are not financial institutions and the uses of any loan proceeds.
5. A list of all assets of the Applicant to include date purchased and purchase price.
6. List the gross receipts for the current year-to-date.
7. A list of all employees with each employee's job description, designation of the employee as full-time or part-time, salary, and designation of Tribal Member or Indian status.
8. A list of the number and types of clients or customers for the previous calendar year.
9. Identification of routine uses of business personnel to market and sell products and/or services.
10. Identification of consistent marketing and/or sales to various consumers other than the Tribe.
11. Complete personal tax returns for the past two years for each owner, including the Schedule C, if such Schedule is part of the return. If this is a new business, all available returns shall be submitted.
12. Copies of bank signature cards for loans and checking accounts for all accounts owned by the Applicant.
13. Copies of W-2's issued the previous year to all owners and current key employees. All social security numbers for all owners and current key employees shall be redacted. Copies of 1099's issued the previous year to subcontractors.
14. Copies of all insurance policies for the Applicant that are currently in-force, including, but not limited to, general liability policies, professional liability policies, worker's compensation insurance policies, and automobile policies.
15. Copies of documents relative to each owner's method of investment (e.g., capital, equipment, real property, loan, or similar assets). This may include bank statements to show canceled checks or transfers from personal accounts to the Applicant's account; personal loan documents and documentation of contribution to business; and copies of title to equipment, both before the transfer to the Applicant and after transfer.
16. Copies of the Applicant's bank statements for past 3 months for all accounts, or if the Applicant is a new business, copies of the Applicant's bank statements from the time the bank account was opened to the present. All statements shall show the cancelled checks.
17. A current balance sheet.
18. Any supporting documentation for assets purchased for the current year.

19. Any titles and/or tax assessments for assets, if such documentation exists for the assets.
20. Copies of current equipment leases, if any, and proof of payment of those leases.
21. Copies of all necessary licenses and certifications held by any owner and employee of the Applicant that may be required in order for the Applicant to legally perform activities in the requested registration categories. This may include, but is not limited to, a business license, a sales tax number, state licenses.
22. Resume of all owners and all current key employees demonstrating experience and education to manage a business engaged in the requested registration categories.
23. Copies of personal certifications from state, college, technical school or local agencies for any owners and key employees demonstrating experience and education to manage a business engaged in the requested registration categories.
24. At least one (1) recommendation letter from prior employer and/or client relative to the Applicant's qualifications and skills in each of the requested registration categories. This recommendation may not come from the Tribe or a Tribal entity.
25. Any other documentation required by the TERO Office to complete the certification process.

## **REGISTRATION**

**Required Documentation to be submitted with the initial Application for Registration of Product(s) and/or Service(s) to be provided by the Applicant(s) Tribal Business(Poarch Band of Creek Indians), 100% Tribal Member Business, 51% Tribal Member Business, Indian Business(including, Indian Business owned by other federally recognized tribes):**

1. Identification of the categories in which the Applicant believes that it is capable and qualified to be registered.
2. Identification of all owners and employees who have a license or certification which is required in order for the Applicant to legally perform activities within the requested registration categories.
3. A list of an continuing education completed by any owners and current key employees within the past two years which are applicable to the requested registration categories.
4. List of current inventory for all retail business.
5. For each requested registration category, a list of contracts and subcontracts performed within the past two years.

**Note: The Applicant will only be solicited for the product(s) and/or service(s) that has established its Fitness in particular categories of business area(s).**

### **MASTER LIST OF CATEGORIES OF BUSINESS AREA(S) FOR PRODUCT(S) AND/ OR SERVICE(S) FOR REGISTRATION CONSIDERATION.**

The Applicant(s) Business may be registered in any of the following categories:

All Applicant(s): Identify the categories in which the applicant(s) desires to be registered in by circling, underlining, and/or highlighting.

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|----------|---|
| <b>1</b> | <b>Agriculture, Forestry, Fishing and Hunting</b>         |
| <b>2</b> | <b>General Residential Construction--\$0 to \$100,000</b> |
| <b>3</b> | <b>General Residential Construction--\$100,000 and up</b> |

- 4 **Commercial and Institutional Building Construction--\$0 to \$100,000**
- 5 **Commercial and Institutional Building Construction--\$100,001 and up**
- 6 **Construction Management**
- 7 **Water and Sewer Line and Related Structures Construction**
- 8 **Power and Communication Line and Related Structures Construction**
- 9 **Highway, Street, and Bridge Construction**
- 10 **Poured Concrete Foundation and Structure Contractors**
- 11 **Structural Steel and Precast Concrete Contractors**
- 12 **Framing Contractors**
- 13 **Masonry Contractors**
- 14 **Glass and Glazing Contractors**
- 15 **Roofing Contractors**
- 16 **Siding Contractors**
- 17 **Other Foundation, Structure, and Building Exterior Contractors**
- 18 **Electrical Contractors**
- 19 **Plumbing, Heating, and Air-Conditioning Contractor**
- 20 **Other Building Equipment Contractor**
- 21 **Drywall and Insulation Contractors**
- 22 **Painting and Wall Covering Contractors**
- 23 **Flooring Contractors**
- 24 **Finish Carpentry Contractors**
- 25 **Other Building Finishing Contractors**
- 26 **Site Preparation Contractors**
- 27 **All Other Specialty Trade Contractors**
- 28 **Architectural and Structural Metals Manufacturing**
- 29 **Machine Shops and Metal Hardware, Tools, and Machine Manufacturing**
- 30 **Other Fabricated Metal Product Manufacturing**
- 31 **Gaming Equipment Manufacturing**
- 32 **Other Manufacturing**
- 33 **Printing**
- 34 **Automobile Dealers and Automotive Parts and Accessories Retailers**
- 35 **Furniture and Home Furnishing Retailers**
- 36 **Food and Beverage Retailers**
- 37 **Health and Personal Care Retailers**
- 38 **Gasoline Stations and Fuel Dealers**
- 39 **Office Supplies and Stationary Retailers**
- 40 **Clothing Retailers**
- 41 **Casino and Gambling Retailers**
- 42 **Other Miscellaneous Retailers**
- 43 **ATM and Vending Machine Operators**
- 44 **Transportation and Warehousing**
- 45 **Information**
- 46 **Finance and Insurance**
- 47 **Real Estate and Rental and Leasing**
- 48 **Equipment Rental and Leasing**
- 49 **Legal Services**



- 50            **Accounting, Tax Preparation, Bookkeeping, and Payroll Services**
- 51            **Architectural, Engineering, and Related Services**
- 52            **Geophysical Surveying and Mapping Services**
- 53            **Specialized Design Services**
- 54            **Advertising, Public Relations, and Related Services**
- 55            **Other Professional, Scientific, and Technical Services**
- 56            **Administrative and Support Services**
- 57            **Waste Management and Remediation Services**
- 58            **Educational Services**
- 59            **Health Care and Social Assistance**
- 60            **Arts, Entertainment, and Recreation**
- 61            **Accommodation and Food Services**
- 62            **Automotive Repair and Maintenance**

**RELEASE OF INFORMATION:**

I hereby authorize release of my tribal enrollment records from \_\_\_\_\_ to the TERO Office.  
Name of federally recognized ("Tribe")

**CERTIFICATION OF INFORMATION:**

I hereby certify that the information in this application and attached documents hereto is true and complete to the best of my knowledge and belief. \_\_\_\_\_  
Initials of Indian Owner(s)

**AS A REMINDER TO THE APPLICANT(S):**

False information can lead to withdrawal and other legal actions.

\_\_\_\_\_  
 Signature of Indian Owner

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Title

Form Number: TERO 0802

Date Approved: 01/09 (Rev. 11/09 JLS) (Rev. 09/11 JLS) (Rev. 10/11 JLS)

**FOR TERO OFFICE USE ONLY:**

Approved \_\_\_\_ Denied \_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_