

MARYLAND SMALL BUSINESS DEVELOPMENT FINANCING AUTHORITY

OPEN MEETING MINUTES

June 13, 2024

The regular meeting of the Maryland Small Business Development Financing Authority convened at 1:00 p.m. via teleconference only at 470-869-2200/meeting ID 428-245-6027.

The following were in attendance at this meeting:

Authority Members	MMG Staff
Les Hall	Randy Croxton
Mara Sierocinski	Anthony Williams
Chuck Martin	Mark Harrison
Ben Siegel	Michael Howard
Gina Ramsey	Tim Smoot
	Stanley Tucker
	Robin Harris

Attorney General's Office
Roop Vijayan, Assistant Attorney General

MINUTES

April 25, 2024

May 30, 2024

MODIFICATIONS

BingeNow, LLC

Grektek Holdings, LLC

Smoothie 4 Life, LLC

NEW REQUEST

Bon AppeSweet, Inc. (SSBCI)

The closed session of the May 30, 2024, meeting was summarized. The Authority Board meeting was attended by Les Hall, Mara Sierocinski, Chuck Martin, Ben Siegel, and Sharon Pinder. The meeting was closed to comply with requirements of the Maryland Public Information Act so that there would not be disclosure of confidential, commercial, and financial information associated with the applicants. The meeting was closed to discuss the modification requests of DaCore Investment Group dba Shark Bar & Seafood House, Fearless DSI, LLC, and YJ, LLC. All the requests were approved.

1. YJ, LLC dba Inca Chicken – Modification to allow request to release the MSBDFA collateral lien on 311 Dark Star Way, Glen Burnie, MD 21060.
2. DaCore Investments, LLC t/a Shark Bar & Seafood House – Modification to allow temporary release on 904 K Street, NE Washington, DC 20002 for refinancing and refile, after the closing of the refinance to retain 2nd lien position.
3. Fearless DSI, LLC – Modification to allow request: (i) give MSBDFA consent to Fearless DSI, LLC and Fearless Talent, LLC to proceed with the 2 NMTC loans, (ii) consent to Fearless DSI, LLC and Fearless Talent, LLC providing guarantees of the NMTC loans, (iii) agrees to amend its Loan Agreement and any other agreements in connection with the MSBDFA term loan, to exclude the NMTC loan and its loan documents from the definition of Collateral in the MSBDFA Loan Agreement and any other agreements entered into in connection with the Loan, as of the date of the funding of the NMTC, and (iv) will agree to file or cause to be filed a UCC financing statement amendment to its UCC financing statement no. 230628-1129001 with SDAT to exclude the Leverage Loan and the Leverage Loan Documents from the collateral covered by MSBDFA's UCC.

MINUTES

April 25, 2024

May 30, 2024

Action Taken:

Upon motion duly made and seconded, the Authority unanimously approved the minutes as presented.

The Open Meeting then closed at 1:15 p.m. upon motion made and seconded, and approved by all voting members, the meeting was closed pursuant to General Provisions Article, Section 3-305(b) (13), “to comply with a specific... statutory... requirement that prevents public disclosures about a particular proceeding or matter”, that is, the Maryland Public Information Act prohibits disclosure of trade secrets, confidential commercial and confidential financial information. Chairman Les Hall signed the Presiding Officer's Written Statement for Closing a Meeting under the Open Meetings Act, which is attached to these minutes as an exhibit.

APPROVED:

Celester A. Hall
Celester A. Hall (Jul 5, 2024 12:03 EDT)

Celester A. Hall
Chairman

DATE: 05/07/24

MARYLAND SMALL BUSINESS DEVELOPMENT FINANCING AUTHORITY

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING
UNDER THE OPEN MEETINGS ACT
(General Provisions Article § 3-305)**

1. Recorded vote to close the meeting:

Date: 6/13/2024

Time: 1:00 pm – 1:15 pm

Location: Meridian Management Group, Inc., 826 East Baltimore Street, Baltimore, MD 21202/Held by conference call at 267.930.4000/684 358 366

Motion to close meeting made by: Mara; Seconded by Gina

Vote to Close Session:

	AYE	NAY	ABSTAIN	ABSENT
Celester Hall, Chair, Designee Secretary of Commerce	[X]	[]	[]	[]
Ben Seigel, designee of Comptroller	[X]	[]	[]	[]
Charles Martin	[X]	[]	[]	[]
Kehinde Oreagba	[]	[]	[]	[X]
Sharon Pinder	[]	[]	[]	[]
Gina Ramsey	[X]	[]	[]	[]
Mara Sierocinski	[X]	[]	[]	[]

2. Citation of statutory authority to close session (check all that apply): This meeting is being closed under General Provisions Article § 3-305(b), only:

 (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals;

___ (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;

___ (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;

___ (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;

___ (5) To consider the investment of public funds;

___ (6) To consider the marketing of public securities;

X (7) To consult with counsel to obtain legal advice on a legal matter;

___ (8) To consult with staff, consultants, or other individuals about pending or potential litigation;

___ (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;

___ (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;

___ (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;

___ (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;

X (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;

___ (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, *if* public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

3. Disclosure of the topics to be discussed, for each citation checked above:

§3-305(b)(13) topics: Discussion and evaluation of the applications received from potential borrowers for financial assistance under programs of the Maryland Small Business Development Financing Authority, which applications include the disclosure of financial information of private individuals and confidential commercial and financial information.

§3-305(b)(7) topics: Legal advice from counsel to the Authority with respect to the applications.

4. For each topic listed in #2, disclosure of the reason for discussing it in closed session rather than in open session:

§3-305(b)(13): Financial information of private individuals is protected from disclosure under the Maryland Public Information Act (§4-336) and confidential commercial and financial information is protected from disclosure under the Maryland Public Information Act (§4-335).

§3-305(b)(7): Protection of the attorney-client privilege.

This statement is made by Celester Hall, Chair of the Maryland Small Business Development Financing Authority, Presiding Officer.

A handwritten signature in blue ink, appearing to read 'C. Hall', is written over a horizontal line.

Celester Hall
Chair