



Ohio Administrative Code

Rule 122:24-1-05 Validation of qualifying investment.

Effective: January 9, 2025

(A) Within thirty days of the time of investment, or for an investment of money made prior to the first date in which the director begins to accept evidence under this division as determined by the director, the eligible investor is to supply to the director evidence that the transfer of the investment of money has been made. The time of investment is to occur within thirty days of the date supplied in the application. Items which may be considered evidence of an investment of money can be found in paragraph (C) of rule 122:24-1-11 of the Administrative Code.

(B) Within thirty days of the date in which the small business enterprise completes its expenditures pursuant to divisions (A)(1)(d)(i) to (A)(1)(d)(v) of section 122.86 of the Revised Code, or for expenditures made prior to the first date in which the director begins to accept evidence under this division as determined by the director, the small business enterprise identified in the transaction is to supply to the director evidence of such expenditures. The director will prescribe guidelines for what constitutes reasonable evidence of an allowed expenditure. Regardless of when the expenditures are made within the six month period described in division (A)(1)(d) of section 122.86 of the Revised Code, the small business enterprise is to supply to the director evidence of such expenditures no later than seven months from the date of the investment of money.

(C) On or before the date described in paragraph (A) of this rule, any eligible investor that is a pass-through entity that wishes to receive a small business investment certificate is to provide to the director a list of partners or members, including the correct legal name, taxpayer identification number, and proportion of ownership interest in the entity. To the extent that any of the parties denoted on this list are themselves a pass-through entity, the eligible investor that is participating in the investOhio program will supply a list of partners or members, including the correct legal name, mailing address, email address, taxpayer identification number, and proportion of ownership interest in the entity. This process continues until all listed parties are individuals subject to the tax found in Chapter 5747. of Revised Code. This allocation of ownership in the eligible investor will determine the amount of tax credit that each owner is entitled to claim, subject to the limitations imposed by division (C)(1) of section 122.86 of the Revised Code.



(D) The director may, from time to time and as necessary, request in writing additional information from either eligible investors or small business enterprises in order to ascertain whether the parties to the transaction qualifying as small business enterprises, as defined in division (A)(1) of section 122.86 of the Revised Code, and as eligible investors, as defined in division (A)(3) of section 122.86 of the Revised Code.

(E) To the extent that the qualifying investment is validated, the application may still be disqualified subject to the provisions of rule 122:24-1-10 of the Administrative Code.