

WEBINAR

PPP Fall Update: Maximizing Forgiveness

Date: October 30, 2020



Objectives

- Raise your level of awareness on how the most recent changes in the PPP program will impact your business
- Get you ready to apply for forgiveness

Agenda

- Review Recent Developments
- Review Forgiveness Application Process
- Review B&R Forgiveness Assistance Services

Current State

- 24 weeks is over or nearly over for most borrowers
- Most lenders are ready to accept forgiveness applications
- Some lenders are pressuring/encouraging borrowers to apply
- Lenders have approved some applications
- SBA has processed payment for some applications
- Time to focus on preparing your application

SBA Form 3509

- Released this week
- Will be required if loan is over \$2m
- Business Activity Assessment Section
 - CY volume vs PY volume
 - Restrictions and Limitations
- Liquidity Assessment Section
 - Cash, Dividends, Debt, Compensation
- Different form for NFP?

Loan Maturity

If SBA Loan Number was received:

- On or after June 5, 2020: 5 years
- Before June 5, 2020: 2 years
 - Unless borrower and lender mutually agree to extend to 5 years
 - Practically not seeing this happen
 - Would require modification to the promissory note

Deferral Period

- Principal, interest and fees are deferred until the amount of forgiveness is remitted to the lender by the federal government OR
- If the borrower does not apply for forgiveness, 10 months after the end of the covered period
- Applies to ALL loans
- Does not require modification to promissory note

Deadline to Apply for Forgiveness

- Anytime before the maturity date of the loan
- Payments begin 10 months after covered period ends if no application is submitted
- Do not be concerned with 10/31/20 expiration date noted on the Forgiveness Application Forms – in the process of being extended

Clarifications

INCURRED AND PAID

- Incurred during covered period but paid after covered period: Eligible for forgiveness if paid on next regular payroll/billing date
- Incurred before covered period but paid during covered period: Eligible for forgiveness

Other Clarifications

- Group health benefits includes vision and dental
- Transportation utility: utility fee assessed by state and local governments
- Salary and Wage Reductions: Salary and wage only – not other forms of compensation such as commissions, bonuses and incentive pay
- Rent paid to related party limited to eligible interest expense of the related party

Changes In Ownership

Sale or Transfer of:

- 20% or more of Common Stock or Other Ownership Interest **OR**
- 50% or more of assets **OR**
- Merger with another entity

Changes In Ownership

Prior to Closing, PPP borrower must provide PPP lender in writing of the contemplated transaction and provide copies of relevant legal documents

Changes In Ownership

NO RESTRICTIONS EXIST IF:

- PPP Note repaid in full by borrower OR
- Loan Forgiveness Application has been processed, SBA has remitted funds to lender and borrower has paid any remaining balance in full (if applicable)

Changes In Ownership

LENDER CAN APPROVE WITHOUT SBA:

STOCK SALE:

- Sale is 50% or less of common stock/ownership **OR**
- Loan Forgiveness Application showing full forgiveness has been submitted and PPP loan balance is deposited in an escrow account with the lender

Changes In Ownership

LENDER CAN APPROVE WITHOUT SBA:

ASSET SALE:

- Loan Forgiveness Application showing full forgiveness has been submitted and PPP loan balance is deposited in an escrow account with the lender

Changes In Ownership

SBA APPROVAL REQUIRED:
ALL OTHER SCENARIOS

Tax Treatment of PPP Loan

- Existing Tax Law
 - Forgiveness of Debt is taxable income
- CARES Act
 - Income Generated from Forgiveness of PPP Loans are NOT Taxable
- IRS
 - Deductions Incurred to Generate The Income Are NOT Deductible
- Ball is in Congress' court – No action taken
- Need to monitor potential tax rates post election

Accounting Treatment of PPP Loan

- FOR PROFIT:
 - Debt Model (ASC 70)
 - Income when legally released
 - IAS 20 Grant (Nonauthoritative)
 - Income pro rata as spent
- NOT-FOR-PROFIT:
 - Debt Model (ASC 70)
 - Income when legally released
 - Conditional Contribution (ASC 958-605)
 - Conditions are substantially met or waived

Applying For Forgiveness

- Form 3508
- Form 3508EZ
- Form 3508S (new)

SBA Form 3508

- Instructions
 - 5 Pages of instructions
 - 2 Pages of documentation required
- Application
 - 4 Pages of forms to complete
 - 1 Page of certifications – will need to sign

What are the 4 Forms?

- Page 1 – PPP Loan Forgiveness Calculation Form
- Page 3 – PPP Schedule A
- Page 4 – PPP Schedule A Worksheet
 - TABLE 1 - employees in covered period \leq \$100K in 2019
 - TABLE 2 – employees in covered period $>$ \$100K in 2019
 - FTE Reduction Safe Harbor 2
- Page 5 – Demographic Info Form (Optional)
- **NEED TO WORK BACKWARDS TO COMPLETE THE APPLICATION**

PPP Borrower Demographic Information Form (Optional) - (Page 5)



Paycheck Protection Program
Loan Forgiveness Application Revised June 16, 2020

OMB Control Number 3245-0407
Expiration Date: 10/31/2020

PPP Borrower Demographic Information Form (Optional)

Instructions

1. **Purpose.** Veteran/gender/race/ethnicity data is collected for program reporting purposes only.
2. **Description.** This form requests information about each of the Borrower's Principals. Add additional sheets if necessary.
3. **Definition of Principal.** The term "Principal" means:
 - For a self-employed individual, independent contractor, or a sole proprietor, the self-employed individual, independent contractor, or sole proprietor.
 - For a partnership, all general partners and all limited partners owning 20% or more of the equity of the Borrower, or any partner that is involved in the management of the Borrower's business.
 - For a corporation, all owners of 20% or more of the Borrower, and each officer and director.
 - For a limited liability company, all members owning 20% or more of the Borrower, and each officer and director.
 - Any individual hired by the Borrower to manage the day-to-day operations of the Borrower ("key employee").
 - Any trustor (if the Borrower is owned by a trust).
 - For a nonprofit organization, the officers and directors of the Borrower.
4. **Principal Name.** Insert the full name of the Principal.
5. **Position.** Identify the Principal's position; for example, self-employed individual; independent contractor; sole proprietor; general partner; owner; officer; director; member; or key employee.

Principal Name		Position
Veteran	1=Non-Veteran; 2=Veteran; 3=Service-Disabled Veteran; 4=Spouse of Veteran; X=Not Disclosed	
Gender	M=Male; F=Female; X=Not Disclosed	
Race (more than 1 may be selected)	1=American Indian or Alaska Native; 2=Asian; 3=Black or African-American; 4=Native Hawaiian or Pacific Islander; 5=White; X=Not Disclosed	
Ethnicity	H=Hispanic or Latino; N=Not Hispanic or Latino; X=Not Disclosed	

Disclosure is voluntary and will have no bearing on the loan forgiveness decision

Schedule A Worksheet – Table 1 (Page 4)

PPP Schedule A Worksheet

Table 1: List employees who:

- Were **employed** by the Borrower **at any point** during the **Covered Period** or the Alternative Payroll Covered Period whose principal place of residence is in the United States; and
- Received **compensation** from the Borrower at an **annualized rate of less than or equal to \$100,000** for all pay periods in 2019 or were not employed by the Borrower at any point in 2019.

Employee's Name	Employee Identifier	Cash Compensation	Average FTE	Salary / Hourly Wage Reduction
FTE Reduction Exceptions:				
Totals:		Box 1	Box 2	Box 3

Schedule A Worksheet – Table 2 (Page 4)

Table 2: List employees who:

- Were **employed** by the Borrower **at any point** during the **Covered Period** or the Alternative Payroll Covered Period whose principal place of residence is in the United States; and
- Received **compensation** from the Borrower at an **annualized rate of more than \$100,000** for any pay period in 2019.

Employee's Name	Employee Identifier	Cash Compensation	Average FTE
Totals:		Box 4	Box 5

Schedule A Worksheet – Table 1 vs Table 2 (Page 4)

Table 1: List employees who:

- Were employed by the Borrower at any point during the Covered Period or the Alternative Payroll Covered Period whose principal place of residence is in the United States; and
- Received compensation from the Borrower at an annualized rate of less than or equal to \$100,000 for all pay periods in 2019 or were not employed by the Borrower at any point in 2019.

Employee's Name	Employee Identifier	Cash Compensation	Average FTE	Salary / Hourly Wage Reduction
FTE Reduction Exceptions:				
Totals:		Box 1	Box 2	Box 3

Table 2: List employees who:

- Were employed by the Borrower at any point during the Covered Period or the Alternative Payroll Covered Period whose principal place of residence is in the United States; and
- Received compensation from the Borrower at an annualized rate of more than \$100,000 for any pay period in 2019.

Employee's Name	Employee Identifier	Cash Compensation	Average FTE
Totals:		Box 4	Box 5



Table 3 (Sort of)

- There is no formal Table 3
- Owners are not included in Table 1 or Table 2
- Required to list owners if more than 1

PPP Schedule A (Page 3)



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PPP Schedule A



PPP Schedule A Worksheet, Table 1 Totals

Line 1. Enter Cash Compensation (Box 1) from PPP Schedule A Worksheet, Table 1:

Line 2. Enter Average FTE (Box 2) from PPP Schedule A Worksheet, Table 1:

Line 3. Enter Salary/Hourly Wage Reduction (Box 3) from PPP Schedule A Worksheet, Table 1:
If the average annual salary or hourly wage for each employee listed on the PPP Schedule A Worksheet, Table 1 during the Covered Period or the Alternative Payroll Covered Period was at least 75% of such employee's average annual salary or hourly wage between January 1, 2020 and March 31, 2020, check here and enter 0 on line 3.



PPP Schedule A Worksheet, Table 2 Totals

Line 4. Enter Cash Compensation (Box 4) from PPP Schedule A Worksheet, Table 2:

Line 5. Enter Average FTE (Box 5) from PPP Schedule A Worksheet, Table 2:



Non-Cash Compensation Payroll Costs During the Covered Period or the Alternative Payroll Covered Period

Line 6. Total amount paid or incurred by Borrower for employer contributions for employee health insurance:

Line 7. Total amount paid or incurred by Borrower for employer contributions to employee retirement plans:

Line 8. Total amount paid or incurred by Borrower for employer state and local taxes assessed on employee compensation:

PPP Schedule A (Page 3) (continued)



Compensation to Owners

Line 9. Total amount paid to owner-employees/self-employed individual/general partners: _____
This amount may not be included in PPP Schedule A Worksheet, Table 1 or 2. If there is more than one individual included, attach a separate table that lists the names of and payments to each.



Total Payroll Costs

Line 10. Payroll Costs (add lines 1, 4, 6, 7, 8, and 9): _____



Full-Time Equivalency (FTE) Reduction Calculation

If you satisfy **any** of the following three criteria, check the appropriate box, skip lines 11 and 12, and enter **1.0** on line 13; otherwise, complete lines 11, 12, and 13:

No reduction in employees or average paid hours: If you have not reduced the number of employees or the average paid hours of your employees between January 1, 2020 and the end of the Covered Period, check here .

FTE Reduction Safe Harbor 1: If you were unable to operate between February 15, 2020, and the end of the Covered Period at the same level of business activity as before February 15, 2020 due to compliance with requirements established or guidance issued between March 1, 2020 and December 31, 2020, by the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, or the Occupational Safety and Health Administration related to the maintenance of standards for sanitation, social distancing, or any other worker or customer safety requirement related to COVID-19, check here .

FTE Reduction Safe Harbor 2: If you satisfy FTE Reduction Safe Harbor 2 (see PPP Schedule A Worksheet), check here .

Line 11. Average FTE during the Borrower's chosen reference period: _____

Line 12. Total Average FTE (add lines 2 and 5): _____

Line 13. FTE Reduction Quotient (divide line 12 by line 11) or enter 1.0 if any of the above criteria are met: _____

SBA Form 3508 (06/20)

Page 3

PPP Loan Forgiveness Calculation Form (Page 1)



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PPP Loan Forgiveness Calculation Form

Business Legal Name ("Borrower")		DBA or Tradename, if applicable	
Business Address		Business TIN (EIN, SSN)	Business Phone
		() -	
		Primary Contact	E-mail Address

SBA PPP Loan Number: _____ Lender PPP Loan Number: _____

PPP Loan Amount: _____ PPP Loan Disbursement Date: _____

Employees at Time of Loan Application: _____ Employees at Time of Forgiveness Application: _____

EIDL Advance Amount: _____ EIDL Application Number: _____

Payroll Schedule: The frequency with which payroll is paid to employees is:

Weekly Biweekly (every other week) Twice a month Monthly Other _____

Covered Period: _____ to _____

Alternative Payroll Covered Period, if applicable: _____ to _____

If Borrower (together with affiliates, if applicable) received PPP loans in excess of \$2 million, check here:

PPP Loan Forgiveness Calculation Form (Page 1)(continued)

Forgiveness Amount Calculation:



Payroll and Nonpayroll Costs

Line 1. Payroll Costs (enter the amount from PPP Schedule A, line 10):

Line 2. Business Mortgage Interest Payments:

Line 3. Business Rent or Lease Payments:

Line 4. Business Utility Payments:



Adjustments for Full-Time Equivalency (FTE) and Salary/Hourly Wage Reductions

Line 5. Total Salary/Hourly Wage Reduction (enter the amount from PPP Schedule A, line 3):

Line 6. Add the amounts on lines 1, 2, 3, and 4, then subtract the amount entered in line 5:

Line 7. FTE Reduction Quotient (enter the number from PPP Schedule A, line 13):



Potential Forgiveness Amounts

Line 8. Modified Total (multiply line 6 by line 7):

Line 9. PPP Loan Amount:

Line 10. Payroll Cost 60% Requirement (divide line 1 by 0.60):



Forgiveness Amount

Line 11. Forgiveness Amount (enter the smallest of lines 8, 9, and 10):

Completing Loan Forgiveness Application (Pg. 2)

- Need to review, initial and sign various certifications
- Similar to certifications made when applying



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By Signing Below, You Make the Following Representations and Certifications on Behalf of the Borrower:

The authorized representative of the Borrower certifies to all of the below by **initialing** next to each one.

The dollar amount for which forgiveness is requested:

- was used to pay costs that are eligible for forgiveness (payroll costs to retain employees; business mortgage interest payments; business rent or lease payments; or business utility payments);
- includes all applicable reductions due to decreases in the number of full-time equivalent employees and salary/hourly wage reductions;
- includes payroll costs equal to at least 60% of the forgiveness amount;
- if a 24-week Covered Period applies, does not exceed 2.5 months' worth of 2019 compensation for any owner-employee or self-employed individual/general partner, capped at \$20,833 per individual; and
- if the Borrower has elected an 8-week Covered Period, does not exceed 8 weeks' worth of 2019 compensation for any owner-employee or self-employed individual/general partner, capped at \$15,385 per individual.

I understand that if the funds were knowingly used for unauthorized purposes, the federal government may pursue recovery of loan amounts and/or civil or criminal fraud charges.

This is only part of Page 2 – it is a full page in length

Documentation – Submit (Instructions Pages 6/7)



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Documents that Each Borrower Must Submit with its PPP Loan Forgiveness Application

PPP Loan Forgiveness Calculation Form

PPP Schedule A

Payroll: Documentation verifying the eligible cash compensation and non-cash benefit payments from the Covered Period or the Alternative Payroll Covered Period consisting of each of the following:

- a. Bank account statements or third-party payroll service provider reports documenting the amount of cash compensation paid to employees.
- b. Tax forms (or equivalent third-party payroll service provider reports) for the periods that overlap with the Covered Period or the Alternative Payroll Covered Period:
 - i. Payroll tax filings reported, or that will be reported, to the IRS (typically, Form 941); and
 - ii. State quarterly business and individual employee wage reporting and unemployment insurance tax filings reported, or that will be reported, to the relevant state.
- c. Payment receipts, cancelled checks, or account statements documenting the amount of any employer contributions to employee health insurance and retirement plans that the Borrower included in the forgiveness amount (PPP Schedule A, lines (6) and (7)).

FTE: Documentation showing (at the election of the Borrower):

- a. the average number of FTE employees on payroll per week employed by the Borrower between February 15, 2019 and June 30, 2019;
- b. the average number of FTE employees on payroll per week employed by the Borrower between January 1, 2020 and February 29, 2020; or
- c. in the case of a seasonal employer, the average number of FTE employees on payroll per week employed by the Borrower between February 15, 2019 and June 30, 2019; between January 1, 2020 and February 29, 2020; or any consecutive 12-week period between May 1, 2019 and September 15, 2019.

The selected time period must be the same time period selected for purposes of completing PPP Schedule A, line 11. Documents may include payroll tax filings reported, or that will be reported, to the IRS (typically, Form 941) and state quarterly business and individual employee wage reporting and unemployment insurance tax filings reported, or that will be reported, to the relevant state. Documents submitted may cover periods longer than the specific time period.

Nonpayroll: Documentation verifying existence of the obligations/services prior to February 15, 2020 and eligible payments from the Covered Period.

- a. Business mortgage interest payments: Copy of lender amortization schedule and receipts or cancelled checks verifying eligible payments from the Covered Period; or lender account statements from February 2020 and the months of the Covered Period through one month after the end of the Covered Period verifying interest amounts and eligible payments.
- b. Business rent or lease payments: Copy of current lease agreement and receipts or cancelled checks verifying eligible payments from the Covered Period; or lessor account statements from February 2020 and from the Covered Period through one month after the end of the Covered Period verifying eligible payments.
- c. Business utility payments: Copy of invoices from February 2020 and those paid during the Covered Period and receipts, cancelled checks, or account statements verifying those eligible payments.

Documentation – Maintain (Instructions Page 6/7)

Documents that Each Borrower Must Maintain but is Not Required to Submit

PPP Schedule A Worksheet or its equivalent and the following:

- a. Documentation supporting the listing of each individual employee in PPP Schedule A Worksheet Table 1, including the “Salary/Hourly Wage Reduction” calculation, if necessary.
- b. Documentation supporting the listing of each individual employee in PPP Schedule A Worksheet Table 2; specifically, that each listed employee received during any single pay period in 2019 compensation at an annualized rate of more than \$100,000.
- c. Documentation regarding any employee job offers and refusals, refusals to accept restoration of reductions in hours, firings for cause, voluntary resignations, written requests by any employee for reductions in work schedule, and any inability to hire similarly qualified employees for unfilled positions on or before December 31, 2020.
- d. Documentation supporting the certification, if applicable, that the Borrower was unable to operate between February 15, 2020, and the end of the Covered Period at the same level of business activity as before February 15, 2020 due to compliance with requirements established or guidance issued between March 1, 2020 and December 31, 2020 by the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, or the Occupational Safety and Health Administration, related to the maintenance of standards of sanitation, social distancing, or any other work or customer safety requirement related to COVID-19. This documentation must include copies of the applicable requirements for each borrower location and relevant borrower financial records.
- e. Documentation supporting the PPP Schedule A Worksheet “FTE Reduction Safe Harbor 2.”

SBA Form 3508 (06/20)

Page 6



Paycheck Protection Program
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All records relating to the Borrower’s PPP loan, including documentation submitted with its PPP loan application, documentation supporting the Borrower’s certifications as to the necessity of the loan request and its eligibility for a PPP loan, documentation necessary to support the Borrower’s loan forgiveness application, and documentation demonstrating the Borrower’s material compliance with PPP requirements. The Borrower must retain all such documentation in its files for six years after the date the loan is forgiven or repaid in full, and permit authorized representatives of SBA, including representatives of its Office of Inspector General, to access such files upon request.

SBA Form 3508EZ

- Instructions
 - 3 Pages of instructions
 - 1 Page of documentation required
- Application
 - 2 Pages of forms to complete
 - 1 Page of certifications – will need to sign

SBA Form 3508EZ Eligibility (EZ Instructions Page 1)

- The Borrower is a self-employed individual, independent contractor, or sole proprietor who had no employees at the time of the PPP loan application and did not include any employee salaries in the computation of average monthly payroll in the Borrower Application Form (SBA Form 2483).

- The Borrower did not reduce annual salary or hourly wages of any employee by more than 25 percent during the Covered Period or the Alternative Payroll Covered Period (as defined below) compared to the period between January 1, 2020 and March 31, 2020 (for purposes of this statement, “employees” means only those employees that did not receive, during any single period during 2019, wages or salary at an annualized rate of pay in an amount more than \$100,000);

AND

The Borrower did not reduce the number of employees or the average paid hours of employees between January 1, 2020 and the end of the Covered Period. (Ignore reductions that arose from an inability to rehire individuals who were employees on February 15, 2020 if the Borrower was unable to hire similarly qualified employees for unfilled positions on or before December 31, 2020. Also ignore reductions in an employee’s hours that the Borrower offered to restore and the employee refused. See [85 FR 33004](#), 33007 (June 1, 2020) for more details.

- The Borrower did not reduce annual salary or hourly wages of any employee by more than 25 percent during the Covered Period or the Alternative Payroll Covered Period (as defined below) compared to the period between January 1, 2020 and March 31, 2020 (for purposes of this statement, “employees” means only those employees that did not receive, during any single period during 2019, wages or salary at an annualized rate of pay in an amount more than \$100,000);

AND

The Borrower was unable to operate during the Covered Period at the same level of business activity as before February 15, 2020, due to compliance with requirements established or guidance issued between March 1, 2020 and December 31, 2020 by the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, or the Occupational Safety and Health Administration, related to the maintenance of standards of sanitation, social distancing, or any other work or customer safety requirement related to COVID-19.

SBA Form 3508EZ vs 3508

- No FTE or Salary Wage Reduction calculations
- Additional representations (due to above)
- No Schedule A
- No Tables
- Less documentation to submit
- More documentation to maintain

SBA Form 3508S

- Loans Under \$50,000
- (Unless over \$2m with affiliates)
- Exempt from FTE reductions
- Exempt from Salary/Wage Reductions
- 69% of the loans but only 12% of the \$
- 1 page form, less documents to submit, no calculations to show

Coronavirus (COVID-19) News & Resource Center

Visit our News and Resource Center for the latest articles and regulatory updates related to COVID-19. We are committed to helping you stay informed with updates and guidance.

Need assistance?

Boyer & Ritter has created a COVID-19 task force. This team of professionals is well-informed on the latest information and regulatory updates. We are available to assist with evaluations of loan forgiveness qualifications, calculations, and more.

[PPP LOAN FORGIVENESS SUPPORT SERVICES](#)

[VIEW RESOURCE CENTER](#)

PPP Service Types

- Option 1 - Prepare
 - PPP Loan Forgiveness Application Assembly;
 - Organization of documentation supporting PPP Loan Forgiveness Application;
 - Guidance with PPP submission to lending institute; and
 - Questions regarding PPP and related processes
- Option 2 - Review
 - Evaluation of the loan forgiveness qualifications;
 - Evaluation of the loan forgiveness calculations; and
 - Questions regarding PPP and related processes

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[PPP LOAN FORGIVENESS SUPPORT SERVICES](#)

[VIEW RESOURCE CENTER](#)

PPP Loan Forgiveness Support Services

Now that you have received your PPP loan, the next and most important phase is to maximize loan forgiveness. Boyer & Ritter and our COVID-19 Task Force has been at the leading edge of this program since day one and because of this, Boyer & Ritter is uniquely qualified to assist you in everything from preparing the PPP Loan Forgiveness Application to consulting with you on the intricacies of the program related to qualified costs and employee counts, and everything in between.

[Contact Us](#)

For businesses entering the application phase, the process can be daunting. The benefits your organization can receive from the loan forgiveness are too important to risk errors.

Boyer & Ritter can help you navigate through compliance requirements of the loan forgiveness

PPP Loan Forgiveness Workbook

Our PPP loan forgiveness workbook has been downloaded more than 50,000 times by business leaders across the nation who understand how critical it is to begin loan forgiveness planning as soon as they receive PPP funds. Proper planning is essential to receive the maximum

Learn More

To learn more about engaging us for PPP Loan Forgiveness Support Services, and to help determine the level of support you may need, please contact us via the form below.

Name*

<input type="text" value="First"/>	<input type="text" value="Last"/>
------------------------------------	-----------------------------------

Email*

Phone*

Company Name*

Company Address*

Street Address

Questions?



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WEBINAR

PPP Fall Update: Maximizing Forgiveness

