

INDUSTRIAL SERVICES OF AMERICA INC /FL

Form 8-K

November 19, 2010

UNITED STATES

SECURITIES AND EXCHANGE COMMISSION

Washington, DC 20549

FORM 8-K

CURRENT REPORT

Pursuant to Section 13 or 15(d) of

the Securities Exchange Act of 1934

Date of Report (Date of earliest event reported): November 15, 2010

INDUSTRIAL SERVICES OF AMERICA, INC.

(Exact name of registrant as specified in its Charter)

Florida
(State or other jurisdiction
of incorporation)

0-20979
(Commission
File Number)

59-0712746
(IRS Employer
Identification No.)

7100 Grade Lane, P.O. Box 32428, Louisville, Kentucky
(Address of principal executive offices)

40232
(Zip Code)

Registrant's telephone number, including area code (502) 366-3452

Not applicable

Edgar Filing: INDUSTRIAL SERVICES OF AMERICA INC /FL - Form 8-K

(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- ☐ Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
 - ☐ Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
 - ☐ Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
 - ☐ Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
-

Item 1.01 Entry into a Material Definitive Agreement.

On November 15, 2010, Industrial Services of America, Inc. (the "Company") entered into a First Amendment to Credit Agreement (the "Amendment") with Fifth Third Bank (the "Bank") which amends a credit agreement which the parties had entered into on July 30, 2010 (the "Prior Agreement"). Under the Prior Agreement, the Company was permitted to borrow the lesser of \$40,000,000 or the borrowing base, consisting of the sum of 80% of eligible accounts plus 60% of eligible inventory up to \$17,000,000. Under the Amendment, the Bank agreed to temporarily increase the revolving credit facility to the lesser of \$44,500,000 or the borrowing base, consisting of the sum of 85% of eligible accounts plus 60% of eligible inventory up to \$17,000,000. The increase in availability and percentage of eligible accounts will expire on December 16, 2010, at which time the terms of the Prior Agreement shall continue in full force and effect.

The terms of the Prior Agreement were described on a form 8-K filed by the Company on July 30, 2010.

A copy of the Amendment and the corresponding Amended and Restated Revolving Loan Note is attached hereto as Exhibit 10.1 and 10.2 respectively, each of which are incorporated herein by reference.

Item 2.03 Creation of a Direct Financial Obligation or an Obligation under an Off-Balance Sheet Arrangement of Registrant.

The information set forth in Item 1.01 is incorporated herein by reference.

Item 9.01 Financial Statements and Exhibits.

(d) Exhibits

<u>Exhibit No.</u>	Description
---------------------------	--------------------

10.1	First Amendment to Credit Agreement, dated November 15, 2010, by and among Industrial Services of America, Inc., ISA Indiana, Inc. and Fifth Third Bank.
------	--

10.2	Amended and Restated Revolving Loan Note, dated November 15, 2010 by Industrial Services of America, Inc. and ISA Indiana, Inc. in favor of Fifth Third Bank.
------	---

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

INDUSTRIAL SERVICES OF AMERICA, INC.

Date: November 19, 2010

By:

/s/ Alan L. Schroering
Alan L. Schroering
Chief Financial Officer

INDEX TO EXHIBITS

Exhibit No. **Description**

10.1 First Amendment to Credit Agreement, dated November 15, 2010, by and among Industrial Services of America, Inc., ISA Indiana, Inc. and Fifth Third Bank.

10.2 Amended and Restated Revolving Loan Note, dated November 15, 2010 by Industrial Services of America, Inc. and ISA Indiana, Inc. in favor of Fifth Third Bank.