





The Source for Information on EB-5 Visa Investments. "Inform your clients, protect your practice."

**JANUARY 2016** 

# DOES IT STILL MAKE SENSE TO MARKET YOUR EB-5 PROJECT IN CHINA? Page 04

Does it still make sense to market your EB-5 Project in China?

Michael Gibson

What's happening with the water in Flint, Michigan, is an outrage.

Hillary Clinton 
A radical change to how we all work, a focus on outcomes not busyness.

Tom Goodwin



# IS THE CHINESE INVESTMENT BOOM IN NYC REAL ESTATE ALREADY OVER?



# SEC AND FINRA NAME EB-5 PRIORITY IN 2016 Page 11



HOTEL
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FRAUD Page 14









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#### FREE WEBINAR

IMMIGRATION & SECURITIES ISSUES WITH RENTING, BUYING & SELLING AN EB-5 VISA REGIONAL CENTER

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# Does it still make sense to market your EB-5 Project in China?

I believe that there are a number of reasons why it no longer makes much economic sense for the vast majority of Regional Centers, issuers and firms to go to China to market an EB-5 offering through the use of migration agents and other Chinese "finders". Here are my reasons:

- 1. Cost
- 2. Competition
- 3. Age-outs, Caps, Retrogression & Sustained Investment
- 4. Violations of U.S. Securities Laws: Non-Disclosure, Fraud, Misrepresentation and Omission (Read more)

Related Story: <u>Is the Chinese Investment Boom in NYC Real Estate Already Over?</u>

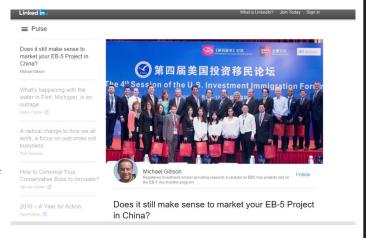
# Sunset Park Medical Condo Building Seeks \$76M Sell-out

Winley Plaza Condominium files most expensive condo offering of any kind in Sunset Park

A group of Flushing investors building a medical condo development in Sunset Park are seeking a total sell out of nearly \$76.3 million for the property in what would be the most expensive condo offering of any kind to date in the Brooklyn neighbourhood, according to a TRData analysis.

The Winley Plaza Condominium, at 5521 Eighth Avenue in Brooklyn, will stand six stories and hold 41 commercial condo units across

roughly 42,500 square feet of space, according to permit applications filed with the city's Department of Buildings. (Read more)





# U.S. Navy Issues 'Letter of Concern' Over Port Leases for Upcoming EB-5 Funded Tinian Casino



the director of US-based Bridge Investment Group were quick to defend their positions on the heels of a 'letter of concern' penned to the Commonwealth Ports Authority (CPA) by a U.S. Department of Defense (DoD)

Navy lawyer this month. The letter expressed concerns that leases administered by the CPA may be in violation of a 1983 lease agreement that authorizes and guarantees DoD various military uses at the Tinian port and airport.

A CNMI lawmaker in Tinian and The Saipan Tribune reports that they have received copies of the letter and that at least one section refers to Bridge Investment Group (BIG). BIG is building a \$120-million casino resort on the port with a central theme featuring a replica of the legendary Titanic. (Read more)

> Related Story: US Navy Letter Hints at Legal Tussle for Tinian **Port Rights**

#### Where the Money is coming from in 2016

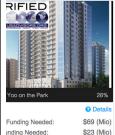
The DC area saw unprecedented levels of capital investments in real estate in 2015, both from foreign buyers snatching up downtown offices and domestic buyers targeting value-add plays in the suburbs. But 2016 will be different.

Angelo Gordon director Christina Lyndon Winstead told the 350 audience members who trudged through 15-foot-high snow banks to make it downtown yesterday for Bisnow's Real Estate Finance event she's already starting to see fewer people at auctions. Christina said 2015 was a challenging year to find opportunities, because there was just so much capital out there. That's Cohn Reznick's David Kessler sitting next to her. (Read more)

Related Story: EB-5 Visa Program Changes to Result in a Shift Focus from Asia to Latin America

#### **INVEST DIRECTLY -> NO COMMISSIONS OR FINDER'S FEES ON** SELECT VERIFIED PROJECTS

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#### The Source for Information on EB-5 Visa Investments

Verification and Due Diligence to help make the SAFEST PROJECT SELECTION and to keep clients

informed on the Development and Operation of the Asset from Subscription until Exit



#### Oxford, Abu Dhabi Investment Authority Face Off On EB-5

ADIA's Tom Arnold calls visa program a "cheap ticket" to US Tom Arnold, head of real estate in the citizenship

Two of the largest foreign investors in New York City real estate are at odds over the value of EB-5 investment, a funding vehicle popular among developers that provides foreign investors a path to U.S. citizenship.

Americas for the Abu Dhabi Investment

Authority, warned against falling into "quick assumptions" about the program's benefits, calling it a "cheap ticket" to American citizenship. (Read more)



EB-5 capital being used beyond commercial real estate projects in a variety of other sectors

NES Financial announced today that its Intelligent EB-5 Escrow Administration Solution has been selected by Rhode Island EB-5 Regional Center on its Quick Fitting Manufacturing project.



Quick Fitting Manufacturing is a state-of-the-art manufacturing facility being built in Rhode Island to support Quick Fitting's exponential growth. EB-5 funds will be used to acquire advanced manufacturing equipment and expand the current Quick Fitting facility. (Read more)

#### IIUSA Releases EB-5 Webinar Series Schedule for Q1



webinar program offers timely information on EB-5 developments and advocacy

Comprehensive Invest in the USA (IIUSA), the national not-for-profit industry trade association for the EB-5 Regional Center Program (the "Program"), recently announced its 2016 webinar series schedule for the first quarter. Held regularly each month, the webinars cover topics of concern and interest to the EB-5 industry. In addition, IIUSA will host member-only advocacy-focused webinars each quarter to foster stakeholder engagement on government and public affairs initiatives. (Read more)

# EB5 Capital – Jobs Fund 16 Filing. Angelique Brunner Released Jan 26 D Filing

The Alabama-based Eb5 Capital – Jobs Fund 16 Lp filed FormD regarding \$35.50 million offering. This is a new filing. Eb5 Capital - Jobs Fund 16 Lp is expected to sell \$35.50 million in this offering. The total offering amount was \$35.50 million. The form was filed on 2016-01-26. Eb5 Capital – Jobs Fund 16 Lp's clarification was: unspecified. The offering has \$35.50 million left to be raised and is still

Eb5 Capital - Jobs Fund 16 is based in Alabama. The filler's business is Commercial. The form D was submitted by Angelique Brunner Manager of Manager of General Partner. The company was incorporated in 2015. The filler's address is: 6106 MacArthur Blvd., Suite 104, Bethesda, Md, Maryland, 20816. Llc Gp Jobs Fund 16, is the related person in the form and it has address: 6106 MacArthur Blvd., Suite 104, Bethesda, Md, Maryland, 20816. Link to Eb5 Capital – Jobs Fund 16 Filing: 000166480816000001. (Read more)

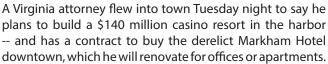
# How New Apartment Deals in Houston Are Being Financed During the Oil Slump



Low oil prices have made it increasingly difficult for Houston developers to find financing for new apartment projects.

As crude oil prices plunged to \$30 a barrel, traditional multifamily investors, such as banks issuing construction loans, have become skittish. Many institutional investors have pulled back from new apartment deals in the Bayou City. (Read more)

# **Attorney Plans to Develop Gulfport** Harbor Casino, Renovate Markham Hotel



Attorney Robert Lubin, who specializes in creating investment opportunities for foreigners seeking visas, said an investment of \$140 million is planned for the casino resort. The investment in the Markham is pegged at \$30 million.



Lubin said he was scoping out the Markham property, vacant since 2005's Hurricane Katrina, when his casino partner, Kevin Preston of Premier Gaming Group, found out about the casino site. The city has been trying for years to land a casino resort for the harbor. (Read more)

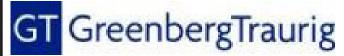
# Former Path America CEO Dargey Gets New **Attorneys**

Lobsang Dargey, Path America's former CEO, has switched attorneys in the civil fraud lawsuit brought in August by the federal Securities and Exchange Commission, which alleges he misappropriated over \$17 million invested in real-estate projects by Chinese immigrants seeking EB-5 visas. According to a court filing, Seattle trial attorney Peter Ehrlichman and two others at Dorsey & Whitney will now represent Dargey. (Read more)

Related Story: Receiver Wants to **Sell Path America Properties** 



# Considerations for Central and Latin American Investors Contemplating Participation in EB-5 **Program**



The EB-5 Immigrant Investor Program is an excellent vehicle for investors with the requisite capital (either \$500,000 or \$1 million depending on where the destination project is located) to lawfully immigrate to the United States by

supporting the U.S. economy through investment and job creation. While all EB-5 applicants must satisfy the same set of requirements, we have found that certain considerations may arise that are particular to the applicant's geographic area of origin. This post will focus on things that investors from Central and Latin America should keep in mind when considering participation in the EB-5 Program. (Read more)

#### Taking the Mystery Out of EB-5 Regional Centers



Multifamily and Student Housing are coming to Miami! Registration is open for RealShare STUDENT HOUSING and RealShare APARTMENTS EAST. Double the networking at The Thompson Hotel, Miami Beach on February 23-24. Discounts available when you attend

EB-5 regional centers are increasingly playing an important role helping South Florida developers raise EB-5 funds and attracting foreign investors to our region. But despite their role in reshaping Miami real estate, regional centers remain a mystery to many. (Read more)

both events.

Is the EB-5 program is making our city even more diverse by attracting a growing Asian population?

#### **Related Stories:**

- The Visa Business
- Five Common EB-5 Misconceptions Explained

program is full of fraud and abuse."

# Senator Grassley to Hold Hearing on **Entrepreneur Program**

Iowa Senator Chuck Grassley says a federal program that's designed to encourage entrepreneurs from outside the U.S.

(Read more)

to build businesses here and create jobs is under scrutiny.



The program, called E-B-5, was supposed to attract the attention of qualified foreign investors, but Grassley says it's failing in a big way.



Fixing America's decrepit infrastructure shouldn't be controversial—it enhances competitiveness, creates jobs, and helps the environment. And of course, it protects the public.

decrepit The total investment needed through the end of this decade for infrastructure is \$1.7 trillion, according to the enhances American Society of Civil Engineers. Why would politicians decrease the ability of a local community, county or state to improve their infrastructure? Well, let's ask Sens. Chuck e public. Schumer (D-N.Y.), Jeff Flake (R-Ariz.) and John Cornyn (R-Texas). (Read more)

Related Story: Toolbox of a Policymaker

# Rare Hotel with 158 Rooms Proposed Near S.F. City Hall

A Civic Center property owner is proposing demolition of an existing hotel near San Francisco's City Hall and building a 158-room hotel in its place.

If built, the project would be one of the city's largest new hospitality projects north of Market Street.

A 47-room Days Inn at 465 Grove St. would be torn down and replaced with a denser structure, according to a preliminary project assessment filed last week with the city's planning department. (Read more)



# Still getting your EB-5 project information this way?

CUT THROUGH THE CIRCUS PROMOTIONS, ADVERTISING HYPE AND GET TO THE FACTS.





# EB-5 Program Extension a Sign of **Changes to Come**

Recently President Obama and Congress passed a yearend "Omnibus" bill. Included within this \$1.1 trillion bill was a 10-month extension to the EB-5 Immigrant Investor Program while the US government continues to review the program and its shortcomings.

On December 18th, 2015, the US Congress passed, and President Obama signed into law, a \$1.1 trillion year-end spending "Omnibus" bill. Included in this bill was a 10 month "clean" extension of the EB-5 Immigrant Investor Program, also known as simply the EB-5 Program. This extension, which was originally set to end in on Sept. 30, 2015, has been extended twice before as politicians discuss

the merits and shortcomings of the program and what changes needed to be made. Potential investors

should be aware of the likely changes to the programs well as ways to avoid EB-5 fraud. (Read more)

#### **Related Stories:**

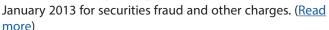
- Changes on the Horizon: Discussions of Looming EB-5 Reform
- What to Watch for on EB-5 this Year?
- What TEA Projects Might Look Like under-EB5-2.0 -Alternatives with Maps and Data

## Securities Fraud—What Do RMBSs, EB-5s and Political Intelligence Have in Common?

Why it matters: A few interesting and diverse securities fraud matters from late 2015—one from the Second Circuit, two from the SEC—caught our eye. Read on for a recap.

Detailed discussion: The last two months of 2015 saw the announcement of three interesting and diverse matters from the world of securities fraud jurisprudence and enforcement that we found worthy of note. We recap them here.

December 8, 2015—The Second Circuit in U.S. v. Litvak reversed the securities fraud conviction of a defendant broker-dealer on evidentiary grounds: Defendant Jesse Litvak (Litvak), a registered broker-dealer with Jeffries & Co. (Jeffries), was indicted in





#### Marriott Height Variance Granted



Springs' hotel could be right around the corner and taller than expected.

By a 6-0 vote, the Dripping Springs unanimously approved a height variance for the number

next of stories and total height for a potential new Marriott Courtyard hotel. Mayor Todd Purcell was not in attendance.

> The potential Marriott Courtyard would sit between HEB and Home Depot. According to Sumay Parikh of DS Hospitality, LLC, the proposed hotel would hold 90 rooms and cater to the wedding industry. (Read more)

#### NES Financial Presenting the Third Annual EB-5 **Innovation Summit Seminar Series**

Advanced seminars offer insight into likely industry reforms During the month of February, NES Financial will be and practical real world solutions for stakeholders to be well prepared.

Each year, our seminar focuses on current and upcoming industry trends and presents solutions that enable industry stakeholders to better serve investors, operate more efficiently, and prepare for emerging EB-5 compliance requirements.

presenting the 2016 EB-5 Innovation Summit for EB-5 Regional Centers, developers, attorneys, and other stakeholders. Speakers at the event will include some of the most respected experts in the industry who will discuss strategies to prepare for impending reform measures and market trends. (Read more)

#### SEC and FINRA Name EB-5 Priority in 2016

Earlier this month, the U.S. Securities and Exchange This year, for the first time, the SEC letter specifically Commission (SEC) and the Financial Industry Regulatory Authority (FINRA) each published their 2016 exam priorities letters. Each agency publishes an exam priority letter annually in which they identify topics of examination focus for the coming year, recurring challenges faced by firms, and perceived areas of heightened risk to investors and/or the integrity of the U.S. capital markets.

mentions EB-5 as an exam priority. The SEC indicated that it will review offerings involving the EB-5 program to evaluate whether legal requirements are being met in the areas of due diligence, disclosure, and suitability. (Read more)

Related Story: SEC 2016 Examination Priorities Focus on ETFs, Cybersecurity and Liquidity Controls for Fixed-Income **Funds** 

## Bill Rudin Tackles REBNY, Times Square and **Brooklyn Navy Yard**

BILL RUDIN STANDS FOR A PHOTO AT HIS OFFICE AT 560 LEXINGTON AVE. ON TUESDAY MARCH 10TH, 2015.

Oftentimes, when the head of one of the city's major real estate families asks to meet you at one of his buildings, he has an entourage in tow.

There is a publicist, or an assistant, or some other kind of handler to make sure the boss doesn't say something he wasn't supposed to. (And to make sure "off the record" rules are respected.) (Read more)



#### 5 Takeaways from Bisnow's First Ever NY Foreign **Investment Event**



From a regulatory environment in flux to some unexpected tips on bridging cultural gaps when cash flies around between countries, the 300-plus people in attendance learned a lot at Bisnow's firstever NY Foreign Investment event, held Tuesday in Manhattan.

1. It's Not Your Dad's FIRPTA Anymore Congress isn't anywhere near repealing the Foreign Investment & Real Property Tax Act, passed in 1980. But foreign investors can now own up to 10% of any publicly traded REIT (up from 5% previously). The law also now let's foreign pension plans invest in any structure of US real estate and pay no capital gains tax upon exiting. The recently passed reforms were sponsored by Rep. Joseph Crowley (speaking), a panellist at our event. He reps NY's 14th District, which includes parts of Queens and the Bronx. (Read more)

#### Newest Americans Take Citizenship Oath on Guam

Dozens of people became naturalized U.S. citizens today in a ceremony held at the U.S. District Court House in Guam, "America in Asia."

Immigrants from the People's Republic of China, Taiwan, Philippines, India, South Korea and Japan took their oath of citizenship before friends, family in a rousing ceremony presided over by Judge Frances Tydingco-Gatewood.

The ceremony was themed "Let Freedom Ring" and timed to honor the memory of American civil rights activist Martin Luther King Jr. The U.S. observed a national holiday in honor of King on Monday. (Read more)

#### **Related Stories:**

- 2015 Best Year Ever for Tourist Arrivals
- Economist: 2016 A Good Year for Foreign Investors to **Put Their Money in Guam**



### Letter: Investigate Loss of 'Stolen' Funds

care coverage are both important issues, the most important issue to be tackled this legislative session must be government corruption. Over the last

two years, we've seen the explosion of two major scandals, EB-5 and Gear Up. At last count, there are \$120 million missing from the EB-5 funds; another \$14 million from Gear Up, and nobody knows what happened to it. Those were our federal and state tax dollars that were stolen. That is \$157.06 for every man, woman and child in South Dakota.

While teacher payand increasing health When the politicians in Pierre tell us all the things that we can't afford, remember that \$134,000,000. It was supposed to have increased the S.D. economy, educate hundreds of students, and do an immense amount of good: but instead, it all went into somebody's pocket. We just don't know whose. But some people in this state milked those programs like a cow. There must be a serious, non-partisan, independent investigation of what happened. (Read more)

> Related Story: What are the Odds that Something Could Go Wrong with this Lottery Legislation?



#### Construction Update

With the Earth Retention System complete 20 feet below grade, soil excavation moved into high gear. Multiple pieces of earth moving equipment work together to quickly

remove the remaining soil that is twenty feet below grade.

Also, you will find photos that fully expose the large four center horizontal steel tubular support braces that are essentially using the entire WESTERN wall of the basement to brace the EASTERN wall of the basement. Nice magic trick! (Read more)

#### MERCER: Lottery Commission Seeking Secrecy

Gov. Dennis Daugaard assigned Lt. Gov. Matt Michels to Michels is a lawyer and a former look through state government's processes for ways to deter corruption in the future.

That should be important. We've had one scandal after another come to light the past few years with EB-5, the Gant-era mismanagement of the secretary of state's office, and the financial probe of GEAR UP.

legislator from Yankton who served two terms as House speaker. His focus will be on state government's relationships with contractors. whether they are businesses or nonprofits. (Read more)



# Satire: Why EB-5 Investors Should Become **Backers of Broadway Shows**

Here's an idea: Would-be immigrant investors in the embattled EB-5 program should take on new roles, as angels backing Broadway shows. Though no one has used this approach to my knowledge, the suggestion fits in neatly with the current operations of the program.

Under my scheme the immigrant investors would put up the usual half-million dollars each (thus netting them and their families a full set of green cards). The money would be placed in a specially created corporation that would invest in forthcoming Broadway productions, but it would be structured in such a way so that the other angels (the resident ones) would get the bulk of the profits should any of the shows succeed. (Read more)

# Investors Defrauded for Millions through EB-5 Visa Program

The New York Post reports on the latest case from the much-abused EB-5 "investor's visa" program, which the open-borders lobby routinely insists is working just fine:

Port St. Lucie, a disparate series of residential developments and strip malls, had little to boast beyond its proximity to a nuclear plant and its fame as the spring training home of the New York Mets. Then Lily Zhong came to town, plunked

down \$500,000 for vacant land and promised to finally build a real downtown, (Read more)

#### **Related Stories:**

- SEC Visa Fraud Case Rocks Florida City's Big Dreams
- SEC Visa Fraud Case Rocks Florida City's Downtown Dream

#### World Trade Center Savannah Gets EB-5 Status

The Savannah World Trade Center for Investment, a joint Also known as the Immigrant Investor operation of the World Trade Center Savannah and the Savannah Economic Development Authority, has been certified by the <u>U.S. Citizen and Immigration Service</u> as an EB-5 Regional Center, effective Jan. 8.

Program, EB-5 was created by Congress in 1990 to stimulate the U.S. economy and create jobs through an influx of funds from foreign investors.



Still confused? (Read more)

#### **Explosion of Development Seen in Downtown** Milwaukee



There seems to be renewed interest in formative stages. Several factors are behind the downtown Milwaukee. This week, another hotelier announced plans to build on a lot near the Shops of Grand Avenue.

hundreds of new apartments are also in the

Ald. Bob Bauman sits at a table in the atrium of the Grand Avenue mall. He's excited about all It's just the latest hotel in the works, while the new development in his downtown district. (Read more)

# EB-5 Visa Shortage Could Lead to Drop in SoFla Foreign Investment



The already small pool of foreign investors looking to secure permanent U.S. residency by creating domestic jobs could dry up, impacting investment in South Florida, experts say.

Congress needs to act quickly to expand the EB-5 visa program, according to the experts, who help local developers and business owners find non-traditional lenders from other countries.

In December, a top state department official warned two pro-EB-5 visa organizations that U.S. Immigration and Citizens Services will run out of the 10,000 special visas earmarked for fiscal year 2015 by mid-summer. The office is only approving visas for foreign nationals who submitted applications before or on July 13, 2013. (Read more)

# Developers to Start \$12 Million Vinegar Flats Public Market Project This Year

The developers for a proposed seven-story, \$12 million mixed-use building that would be located on the lower South Hill intend to break ground this year.

The development has been named the Vinegar Flats Public Market. It would be developed on a vacant site at 2020 W. Seventh, which is uphill and east of the intersection of Seventh Avenue and Inland Empire Way and visible along the south side of Interstate 90.

In October, the Spokane-based architectural firm Hurtado | Hissong Design Group LLC submitted

plans to the city to develop the site. The firm's co-owner, Armando Hurtado, said then that the development team hoped to begin construction as early as April or May of this year, with completion in 12 to 16 months. (Read more)





#### Hotel Developer Pleads Guilty to \$158 Million Fraud

The developer of a failed \$912 million hotel project near O'Hare International Airport has pleaded

guilty to charges he defrauded Chinese citizens who invested in the development through a federal visa program.

Ashoo Sethi, 32, admitted he used bogus and forged documents to raise money for the three-hotel, 995-room project at 8201 W. Higgins Road, which never got off the ground, according to his plea agreement.

More than 290 people invested about \$158 million in the hotel through the federal EB-5 program, which grants foreigners permanent residency if they invest in qualified business ventures. The program, which recently was extended by Congress, has been popular with developers, but critics say it is vulnerable to fraud and mainly funds unworthy real estate projects in wealthy neighbourhoods. (Read more)

### EB-5 Flash News from Washington DC

I am told by two lobbyists in Washington D.C. that Congress Related Stories: will extend the current EB-5 statute to December 16th as part of the Continuing Resolution for the budget. This means we can continue to file I-526s and other applications under the current law until the 16th unless the new EB-5 statute is enacted sooner. The treatment of I-526s and other applications filed since September 30th will depend on the final language of the new statute, which will not be certain until enactment. (Read more)

- The Final 2015 Chapter for the **EB-5 Extension**
- EB-5 Extended until 9/30/2016



#### Marriott Autograph Chicago

I hope everyone is looking forward to the spring!

I wanted to update you and let you know that construction is on schedule and we will begin building up within the next few months. In the photos, you can see the progress with the construction of the large concrete grade beams that have been built. The concrete and steel grade beams structurally tie together the deep foundations below the surface. (Read more)



# Right before FIRPTA Reform, a Surge in Real Estate Donations to Rep. Joe Crowley

New York developers have long called for reform of the In March and April 2015, an unusually large number of the Foreign Investment in Real Property Tax Act, or FIRPTA, a federal law that limits foreign investment in U.S. real estate. In December, Congress finally passed the desired reform, and behind the scenes, industry giants appear to have spent a pretty penny to help make it happen.

city's biggest developers made campaign contributions to Joseph Crowley, a U.S. Congressman representing New York's 14th district. Immediately following the surge in donations, Crowley co-introduced a FIRPTA reform bill that eases up restrictions on foreign investment in U.S. real estate. (Read more)

#### **Greenberg Traurig Expands Immigration Practice** with Addition of Rosanna Michelle Fox in New York

Global law firm Greenberg Traurig, LLP welcomes Rosanna Michelle Fox to the Business Immigration & Compliance Practice as it continues to grow its New York Immigration Practice. Fox, previously a partner at Gibney, Anthony & Flaherty, LLP, joins as a shareholder.

Fox focuses her practice on EB-5 compliance, immigrant and non-immigrant visas, and employment compliance. She advises a wide array of clients, ranging from foreign investors to entrepreneurs, with regard to immigration



policies and options when investing and establishing businesses in the United States. Fox has a deep understanding of the EB-5 process and is actively engaged with clients in completing all steps required for issuance of EB-5 visas as well as represents employers in PERM Labor Certification matters. (Read more)

## Florida EB-5 Regional Center and Spoleto Brazil Are Bringing a \$25 Million Expansion of Spoleto Restaurant Brand to the State of Florida

The Florida EB-5 Regional Center, is authorized to work directly with foreign investors to create United States Citizenship and Immigration Services (USCIS) approved projects that comply with the EB-5 Foreign Investment Capital guidelines.

The EB-5 model was created in 1990 by Congress and developed under USCIS, a division of the United States Department of Homeland Security, to stimulate the U.S. economy through job creation and capital investment by foreign investors. Under the EB-5 program, foreign entrepreneurs and their immediate family have a pathway to citizenship by making an investment in a commercial enterprise in the U.S, by creating a minimum of 10 local jobs for each \$500,000 of investment. (Read more)

#### What 2016 Holds For Gaming

So what will 2016 hold for the Las Vegas gaming-tourism in Las Vegas. The new names that have appeared—the complex? Change for certain, although the nature of that change won't be clear until it's upon us.

One of the things that defined Las Vegas tourism in the 1990s boom years—and even into the late 2000s slump was casino openings. Since the Cosmopolitan's 2010 debut, there has not been a genuine new-construction opening D, Cromwell, SLS and Downtown Grand—are those of renovated, not newly built, properties.

That may change in 2016, if the Lucky Dragon—whose construction is still ongoing but which, in November, failed in a bid to get a \$25 million subsidy from the City of Las Vegas—opens on schedule in August. (Read more)

### Launching New Project: The Devens Project

THE DEVENS PROJECT

A private hospital located in central Massachusetts projected to create over 400 jobs.

- Number of Investors -- 10
- Number of Jobs Required -- 100
- Number of Jobs Projected -- over 400 (Read more)



#### Blackstone's Byron Wien: 10 Surprises For 2016

Editor's Note: Wien, vice chairman of multi-asset investing The 10 Surprises for 2016 are as follows. at Blackstone, has released his annual list of surprises. He defines a "surprise" as an event that the average investor would only assign a one out of three chance of taking place but which Byron believes has a better than 50% likelihood of happening.

1. Riding on the coattails of Hillary Clinton, the winner of the presidential race against Ted Cruz, the Democrats gain control of the Senate in November. The extreme positions of the Republican presidential candidate on key issues are cited as factors contributing to this outcome. Turnout is below expectations for both political parties. (Read more)

#### **USCIS Teleconference Invitation**

U.S. Citizenship and Immigration Services invites you to the first EB-5 Immigrant Investor Program teleconference of 2016, on Wednesday, Feb. 3, from 1 to 2:30 p.m. (Eastern).

During the first part of this teleconference, we will provide EB-5 program updates. The second part will be a questionand-answer session. We invite you to ask non-case specific questions or provide feedback on the EB-5 program.

To register for this session, please follow these steps:

- Visit our registration page
- Enter your email address and select "Submit" (Read more)

# Casino Deal No Sure Bet for Gulfport Harbor



The Gulfport City Council will consider a proposal to develop the Gulfport Harbor property where several developers over the years, starting with Donald Trump in 1993, have proposed by failed to develop a casino resort. The Gulfport Redevelopment

Commission solicited and received several proposals to develop the property.

Like the three proposals before it, the latest casino plan for the city's showcase harbor is far from a done deal.

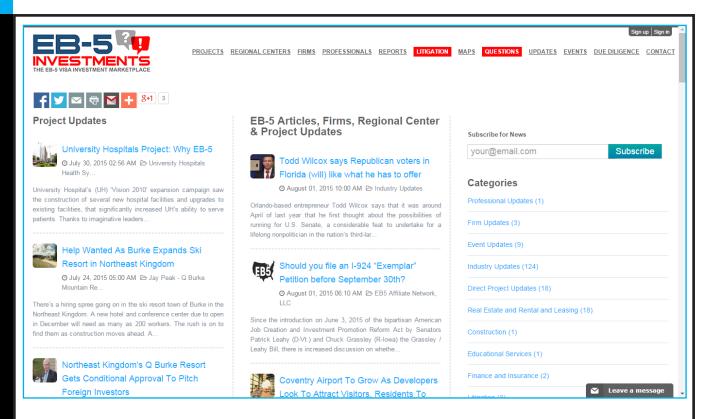
The developers -- Virginia attorney Robert Lubin and Kentucky casino-company owner Kevin Preston -- still have to raise the money to build the casino, Lubin confirmed Wednesday. (Read more)

#### Metro Indy Leaders Target Foreign Investment

has selected Indianapolis to take part in an effort designed to attract and leverage direct Plan. Other communities that are part of the foreign investment. The Indy metropolitan area joint program of Brookings and JPMorgan Chase Investment Strategy as part of the Global Cities Initiative.

The Washington D.C.-based Brookings Institution The Indy Chamber says the new initiative will build off its existing Indianapolis Metro Export is among six that will develop a Global Trade and are Charleston, Chicago, Louisville-Lexington, Phoenix, and Wichita. (Read more)





## Lucky Dragon Casino Project in Las Vegas Seeking Foreign Investments



Former Vegas Sands president, William Weidner and real estate developer Andrew Fonfa seem to have fallen back on "Plan A" to raise investment capital for their Asian-themed gaming entertainment venue just off The Strip on West Sahara Ave., in Las

Vegas. Having already raised some \$60 million in foreign capital through the EB-5 visa program for the Lucky Dragon Hotel & Casino, the project's primary potential financing

partner, First Foundation Bank, told the developers in November that they did not intend to provide \$30 million in funds without a "material credit enhancement such as [tax increment] TIF financing" or the raising of an additional \$25 million in EB-5 capital.

The Las Vegas Redevelopment Agency (LVRA) subsequently denied a request to offset taxes through tax increment financing, leaving the developers with the option of funding the rest of the project themselves, seeking alternate financing, or going back to the "green card" program in order to meet the bank's demands. (Read more)

# Manhattan Developer Ices Plans for **Central Park Luxury Condos**

Developer Steven Witkoff is holding off on converting then, the allure of building high-Manhattan's Park Lane Hotel into luxury condominiums -for now.

The owners are contemplating a renovation of the 46-story hotel at the foot of Central Park, Witkoff said in an interview. He led a group that acquired the property from the estate of Leona Helmsley for \$660 million in 2013, with options including demolishing the existing structure, converting the building into a combination of hotel rooms and condominiums and continuing to operate the hotel. Since end homes has dimmed as new towers aimed at multimillionaire buyers crowd the market.



"The fact of the matter is, the velocity is not what it was," said Witkoff, whose partners include fellow developer Harry Macklowe. "Because we have a cash flow, we have the flexibility to wait." (Read more)

Related Story: Landmarks Approves Macklowe's One Wall **Street Resi Conversion** 

# Miami Dolphins Owner Stephen Ross Makes a Big New York Win

The massive Hudson Yards development sits literally atop an active rail yard. A platform was built atop tracks to support the towers and park.

In those cheerful summer days of August, before the NFL season opened, Miami Dolphins owner Stephen M. Ross confidently predicted a winning year. By the playoffs, the Dolphins were out of the running with 10 losses, six wins.

York-based Companies team is faring far better.

The city's largest developer has a dozen projects under way in New York alone, spanning affordable and luxury residences, hotels and mixed use developments. (Read



# Part of What Will Be Miami's Tallest **Tower Is Now Open**

Tower, which is set to be the tallest building in Miami, is now open as the building rises into

the sky.

Florida East Coast Realty said it received a temporary certificate of occupancy (TCO) for the first 11 floors of the 19-story parking garage. Tenants and Florida International

The parking garage at Panorama University students in the existing office building at 1101 Brickell Ave. will soon have access to that garage instead of being shuttled in from an off-site parking lot.

> Construction crews have poured the first three floors of the tower that will sit atop the parking pedestal. When it's completed around late 2017 with 83 stories rising 830 feet, Panorama Tower will be the tallest building in Florida. (Read more)

# CRDA Land-Use Officials Consider Polercoaster Project

A \$137.5 million Boardwalk amusement complex with a 360-foot-high roller coaster was pitched to the planning committee of the Casino Reinvestment Development Authority on Thursday.

Renderings of the project, planned for a vacant oneacre site where Martin Luther King Boulevard meets the Boardwalk, depict a coaster track wriggled around a soaring steel column like a piece of stretched saltwater taffy. "This will be the first Polercoaster in the world," said Bernie Friedman, one of the developers behind the project, referring to a trademarked, vertically-inclined ride layout.



Designs call for the coaster to be anchored by a 62-foot-tall building of curtain wall, steel and dark stone. Plans call for ancillary rides, a zipline, wave pool, obstacle course, and at least one bar and restaurant. (Read more)

# Receiver Wants to Sell Dargey's Potala Tower, Other Projects



Lobsang Dargey, CEO of Dargey Development and Path America, is seen next to a rendering of the Potala Tower in his office in Bellevue. (John

Lok/The Seattle Times)

The court-appointed receiver now running Path America, which bankrolled real-estate projects through Chinese immigrant investors, says three of its four developments should be put up for sale as soon as possible, including the 40-story Potala Tower in downtown Seattle.

The court-appointed receiver now running Path America, which bankrolled real-estate projects through Chinese immigrant investors, says three of its four uncompleted developments should be put up for sale as soon as possible, including the 40-story Potala Tower in downtown Seattle. (Read more)



investors Rich Marin, Eric Kaufman, Meir Laufer, Jay Anderson, Lloyd Goldman and Joseph Nakash and a rendering of the project.

Staten Island megaproject dealing with ballooning costs, infighting.

Clockwise from top: New York Wheel In September 2014, Rich Marin stood on stage at TEDx St. George and invoked Cornelius Vanderbilt. He spoke of a passion project worthy of the Commodore's native borough: transforming Staten Island's sleepy waterfront into "the gateway to America" by building a giant wheel, the world's largest. (Read more)

# PhoenixMart: Parent Company **Trimming Workforce**

AZ Sourcing, parent company of the proposed PhoenixMart sourcing center, has been reducing its workforce in the last several weeks.

A company spokesman said the staff reduction is not a "layoff," as the company expects the workers to return.

In a statement issued by the spokesman, the staff reduction was attributed to a hitch in the federal government's EB-5 immigrant investor program. PhoenixMart originally was to be funded through the program, which allows foreign citizens to obtain green cards by investing in American projects.

"Due to the delay the approval EB-5 investor applications," the spokesman stated, "Phoenix Mart needed to realign its staffing needs for FY2016." (Read more)



Still in the dark about which investments are in the market?

HARD TO TELL FACT FROM FICTION?





# Mendelson Defends D.C.'s Support for Wal-Mart, But Vows More Scrutiny



The District's efforts to help the developers of Skyland Town Center land an anchor retail tenant — to the tune of \$90 million — were justified, but now the D.C. government needs

to look closely at what went wrong and whether it can protect its interests following <u>Wal-Mart's</u> decision not to go forward with a planned store there or at Capitol Gateway, also in Ward 7.

That is according to D.C. Council Chairman Phil Mendelson, who noted the District has been committed under at least three mayoral administrations to help Skyland bring an anchor retailer to the 18-acre site by Good Hope Road, Alabama Avenue and Naylor Road SE east of the Anacostia River. A joint venture including the Rappaport Cos. and WCSmith have been planning the project for years. (Read more)

Related Story: <u>Wal-Mart Nixes Stores at Skyland, Capitol</u> <u>Gateway</u>

# 225 N. Calvert Apartment Conversion to Start in March, Finish in 2017

Renovations to turn a former Bank of America building near Mercy Medical Center in downtown Baltimore into nearly 350 apartments are scheduled to begin in March, developer Monument Realty said. The project at 225 N. Calvert Street is slated to be completed at the end of 2017.

Renovations to turn an 18-story office building in downtown Baltimore into nearly 350 apartments are scheduled to begin in March and finish next year, developer Monument Realty said Tuesday.

Interior demolition at 225 N. Calvert Street, a former Bank of America building near Mercy Medical Center, is already underway. The project is slated to be completed at the end of 2017, the Washington firm said. (Read more)



# Palm House Developers Facing another Lawsuit over Use of Funds



Daily News Staff Writer Developer Robert Matthews and others involved in the beleaguered Palm House project now face two lawsuits alleging misuse of \$16 million loaned to rebuild the hotel-condominium.

Minority owner Ryan Black filed the second suit late last month. It repeats many of the claims made in a suit filed the same day by a company that loaned the project millions of dollars.

Black's suit alleges that the money — loaned for the project's construction through a federal program — was mishandled. The program, known as the EB-5 Immigrant Investor Program, channels money from foreign investors into construction projects on U.S. soil. (Read more)

Related Story: <u>Lender Files Lawsuit</u> <u>against Palm House Players</u>

# Civitas EB-5 Capital Celebrates Investors' Receipt of Permanent Residency and Full Return of Capital



<u>Civitas EB-5 Capital</u> ("Civitas") is pleased to announce that six (6) investor families in <u>Civitas Phoenix Fund, LP</u>, have received unconditional permanent United States residency through the City of Dallas Regional Center ("CDRC") and full repayment of their investment. The CDRC is a public-private partnership between the City of Dallas Office of Economic Development and Civitas.

Civitas Phoenix Fund, LP made an \$8.5 million mezzanine loan to the El Fenix restaurant chain in Dallas, Texas, so the 97-year-old restaurant company could open four new restaurants and renovate three existing locations. Founded in 1918, El Fenix is the oldest family-owned Mexican restaurant chain in the United States. The loan was repaid in full in mid-2015. (Read more)

# Developer Pleads Guilty to \$158m EB-5 Fraud Scheme



The 995-key project at 8201 W Higgins never moved past the planning stages. Sethi admitted to using forged and fake documents to secure the financing from 290 investors. EB-5 financing grants foreign investors permanent residency if they invest in qualified business ventures like real estate developments. But the program has come under fire for being susceptible to fraud. As we learned at our hotel development and investment panel last month, the federal government is working to improve EB-5's integrity, transparency and compliance. (Read more)

Related Story: <u>Guilty Plea in \$158 Million Visa</u> <u>Fraud over Failed O'Hare Hotel Project</u>

Developer Ashoo Sethi pleaded guilty to defrauding Chinese EB-5 investors of \$158M in a failed hotel development near O'Hare International Airport.

# Palm Beach Regional Center, Founded By Al Zucaro, Assists Twin Peaks Restaurant with EB-5 Financing



Al Zucaro, Co-Founder and managing-partner of the <u>Palm Beach Regional Center</u>, today announced Twin Peaks' newest location in West Palm Beach has received financial assistance through the center's EB-5 financing platform. Voodoo BBQ was the first in Palm Beach County to utilize the PBRC's EB-5 program, which boosts the county as an international business destination.

"We are honored that Twin Peaks partnered with the Palm Beach Regional Center to secure the financial assistance necessary to open their newest location," said Zucaro. "This success, in addition to our work with Voodoo BBQ, further solidifies the center's niche for EB-5 financing to multilocation restaurants." (Read more)

#### This Streeterville Hotel Project Comes With 40 Visas for Investors



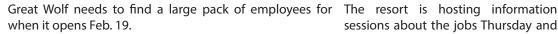
After raising \$20 million through a federal visa-for-jobs program, local developer Scott Greenberg broken ground on a 195-room hotel in Streeterville.

Over the weekend, construction crews erected the crane that will be used to build the 21-story hotel at 226-228 E. Ontario St. It's the latest local project financed through the controversial EB-5 program, which

allows foreigners to become U.S. residents if they invest in qualified business ventures, like real estate developments. To raise the money, Greenberg racked up a lot of frequent flier miles to pitch investors in places like China and India.

"It was a great adventure—a lifetime adventure," said Greenberg, president and co-owner of ECD, a Lincolnshirebased developer. "I've developed relationships all over the world." (Read more)

#### Great Wolf is Hiring 700 for Its Garden **Grove Hotel and Water Park**

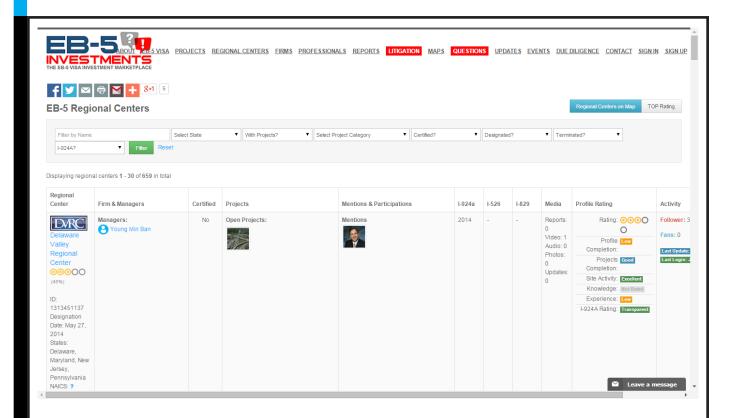


Great Wolf Lodge Southern California, the 603-suite hotel with a 105,000-square-foot water park on Harbor Boulevard in Garden Grove, is about to undertake a massive hiring spree - ultimately employing 700 people.

sessions about the jobs Thursday and Tuesday.



"These information nights are designed for potential candidates who want to learn about what Great Wolf is and what our culture is," said Phil Cunningham, the general manager for the Garden Grove location. (Read more)



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#### **REGIONAL** CENTER

#### WESTERN REGIONAL CENTER INC.



# THREE STREAMS MIDATLANTIC REGIONAL CENTER



# TRI-CITIES INVESTMENT DISTRICT, LLC (TCID) REGIONAL CENTER



#### WEST PENN REGIONAL CENTER



#### TEXAS URBAN TRIANGLE REGIONAL CENTER



# CALIFORNIA FUTURE PARTNERS REGIONAL CENTER



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#### 168 AMERICA REGIONAL CENTER, LLC



#### TBC WASHINGTON DC AREA REGIONAL CENTER

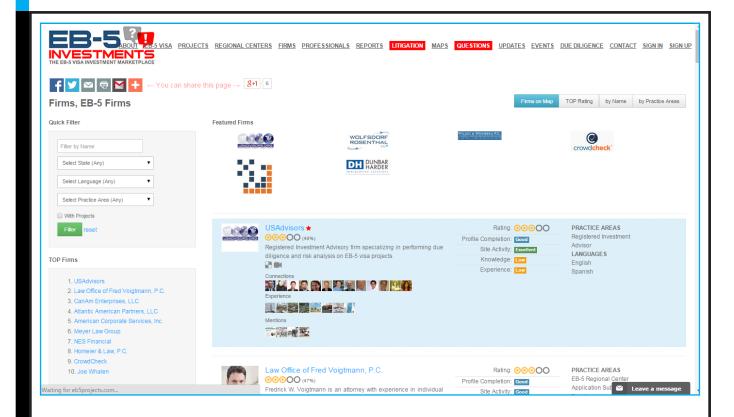


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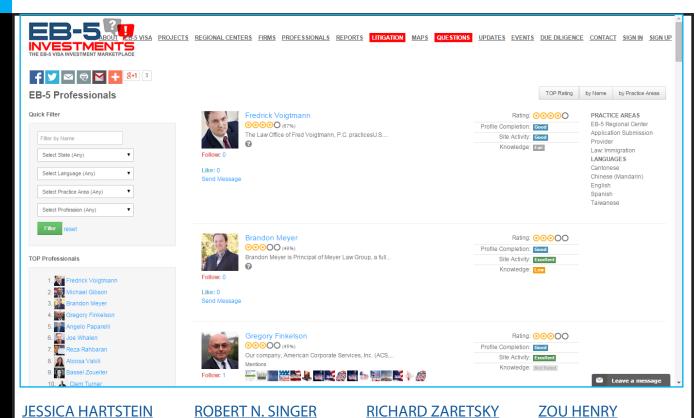
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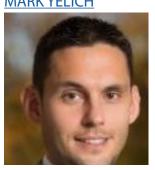
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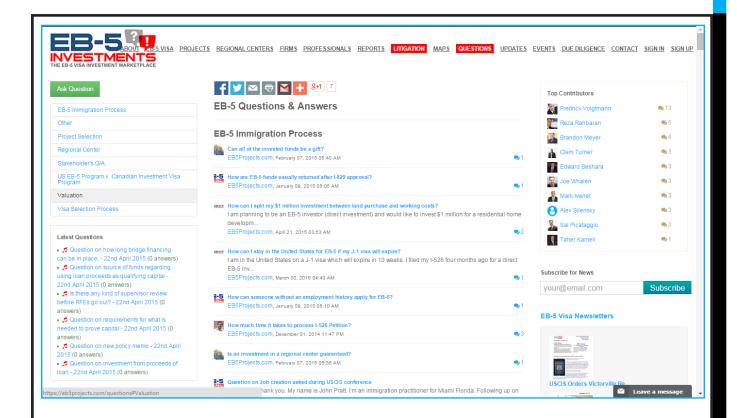


**ZOU HENRY** 

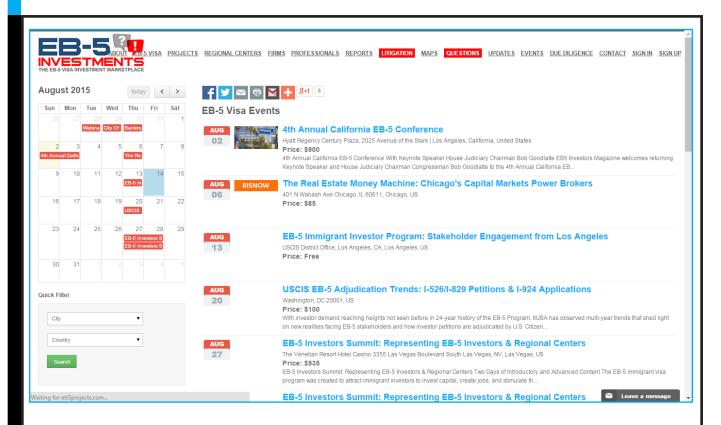


**SCOTT BARRACK** 





- 1. <u>Is it possible when you indicate processing times with respect to I 924 to differentiate between hypothetical, actual, exemplar and 924-A amendments?</u>
- 2. <u>Is there a policy that prevents the combination of one or more projects that would not independently meet the ratio of 10 US jobs per investor?</u>
- 3. <u>Is there a way to issue to notice the EB-5 community about the policy issues being evaluated-10th Sep, 2014?</u>
- Is there any efficient USCIS mechanism for suspension or termination of a Regional Center
- 5. <u>Is there any kind of supervisor review before RFEs go out?</u>
- 6. Question on definition of capital including promissory note
- 7. <u>Question on determining a new company formed after Nov 29, 1990 as a new commercial enterprise</u>
- 8. Question on collaboration between IPO and AAO and the amount of communication that occurs between the two when a case is under review
- 9. Question on cut-off date with respect to derivative children about to turn 21
- 10. Question on Regional Center petitions being processed by same adjudicators
- 11. Question on requirements for what is needed to prove capital
- 12. Question on retrogression
- 13. Question on specific changes allowed after I 526
- 14. Question on sustaining investment during 2 year conditional residency period
- 15. Question regarding general subscription agreement of a RC with a management fee





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2016 LAS VEGAS EB-5 CONFERENCE



CHINA PRIVATE EQUITY FORUM (LOS ANGELES)



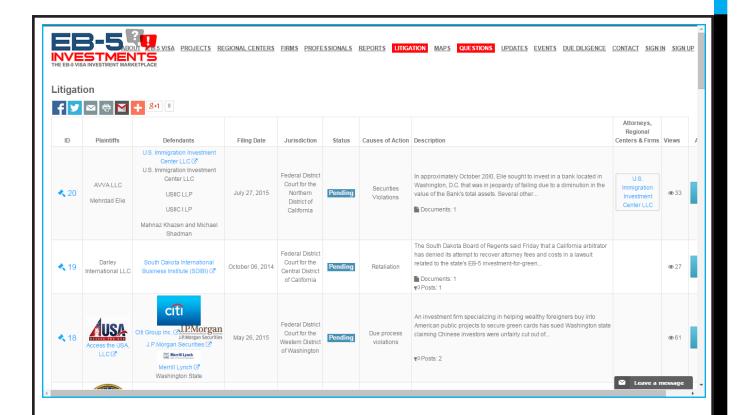
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# OPEN RIVERS MEDIA GROUP INC. VS. SOUTHERN FILM REGIONAL CENTER LLC

In February-June 2014, Regional, Applegate, Entertainment and Ratliff engaged, in a scheme to remove Pictures from the EB5 Application process and convert the activities undertaken by the parties for their benefit and to the detriment of Pictures.





#### SEC VS. ROGER A. BERNSTEIN

ORDER INSTITUTING CEASE-AND-DESIST PROCEEDINGS, PURSUANT TO SECTION 21C OF THE SECURITIES EXCHANGE ACT OF 1934, MAKING FINDINGS, AND IMPOSING REMEDIAL SANCTIONS AND A CEASE-AND-DESIST ORDER

#### SEC VS. KEFEI WANG

ORDER INSTITUTING CEASE-AND-DESIST PROCEEDINGS, PURSUANT TO SECTION 21C OF THE SECURITIES EXCHANGE ACT OF 1934, MAKING FINDINGS, AND IMPOSING REMEDIAL SANCTIONS AND A CEASE-AND-DESIST ORDER





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