



U.S. Citizenship  
and Immigration  
Services

Date: **OCT 25 2013**

Jeff M. Wagner  
Southwest Kansas Regional Center  
9905 East Fifth Port Drive  
Garden City, KS 67846

Application: Form I-924, Application for Regional Center Under the Immigrant Investor Pilot Program

Applicant(s): Jeff M. Wagner

Re: Initial Regional Center Designation  
Southwest Kansas Regional Center  
RCW1221250717 / ID1221250717

This notice is in reference to the Form I-924, Application for Regional Center Under the Immigrant Investor Pilot Program that was filed by the applicant with the U.S. Citizenship and Immigration Services ("USCIS") on July 30, 2012. The Form I-924 application was filed to request approval of initial regional center designation under the Immigrant Investor Program. The Immigrant Investor Program was established under § 610 of the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act of 1993 (Pub. L. 102-395, Oct. 6, 1992, 106 Stat. 1874).

In addition to the Form I-924, the applicant submitted an actual project accompanied by a completed exemplar Form I-526, Immigrant Petition by Alien Entrepreneur, seeking USCIS review and approval of the project supported by a comprehensive business plan as contemplated in Matter of Ho, 22 I. & N. Dec. 206 (Assoc. Comm'r 1998).

**I. Executive Summary of Adjudication**

Effective the date of this notice, USCIS approves the Form I-924 request to designate Southwest Kansas Regional Center as a qualifying participant in the Immigrant Investor Program.

1. Effective the date of this notice, USCIS approves the TekVet project based upon the evidence submitted with the application.

**II. Regional Center Designation**

USCIS approves the applicant’s request to focus, promote economic growth, and offer capital investment opportunities in the following geographic area and industry categories:

**A. Geographic Area**

State	County
Kansas	Finney

**B. Industry Categories**

NAICS	Industry Name
334513	Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables

**III. The Project**

Effective the date of this notice, USCIS approves the applicant’s request to include the following actual capital investment project supported by an exemplar Form I-526.

Project	Type of Project	Organization Documents	Date of Document
TekVet  Geographic Location: Finney County, Kansas  Focus of Investment: Equity	“Exemplar Form” I-526 Petition Project	Business Plan	Revision 06/26/2013
		Economic Impact	July 18, 2013
		Operational Plan	Revision 06/26/2013
		Subscription Agreement	Revision 06/26/2013
		Escrow Agreement (Capital Escrow)	Revision 06/26/2013
		Escrow Agreement (Service Escrow)	Revision 06/26/2013
		Promissory Note	Dated 05/4/2012
		Offering Circular	Revision 06/26/2013

Note: If changes to this project and its supporting documents are found in subsequent Form I-526 or Form I-829 petitions, USCIS will review the supporting documents once more to ensure compliance with EB-5 program requirements.

The proposal identifies the new commercial enterprise (“NCE”) of the project as TekVet, which was formed in the State of Kansas on June 7, 2007. The project is located at 9905 E. Fifth Port Drive



City of Garden City, Kansas. The applicant’s proposed project involves an investment in the expansion of TekVet, a producer of veterinary medical equipment that monitors the health of young livestock and transmits health data to the livestock producer. The applicant intends for EB-5 capital to fund TekVet’s expansion, which includes development and testing, the commencement of manufacturing operations, hiring of key personnel, installation of the TekVet product on client sites, and marketing and sales initiatives. The applicant estimates that the project will cost \$50.0 million. Fifteen immigrant investors will subscribe to the NCE as limited partners in exchange for capital contributions of \$500,000 each and an aggregate of \$7,500,000. The project will generate approximately 404 jobs.

**A. Job Creation**

The job creation methodology presented in the economic impact analysis and underlying business plan is found to be reasonable based on the following inputs, when applying the RIMS II economic model:

Industry Name	NAICS	Input (\$Millions)	Multiplier	Jobs
TekVet operational requirements accruing to hardware and software rollout, advertising, sales expenses, and capital acquisition	Not Applicable – detailed activities for the firm	Estimation of projected revenues of: Year 1=\$3.325 million Year 2=\$17.45 million Year 3=\$42.59 million  Based on the economist estimation, each \$1 million in sales will generate 4.74 direct hires	Not Applicable	The resulting direct jobs are:  Year 1=15.7 Year 2=83 Year 3=201
Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables	334513	Direct Hires: Year 1=15.7 Year 2=83 Year 3=201	1.35 based on the economist estimates of local representative manufacturing firms	The resulting direct and indirect jobs are Year 1= 21 Year 2=111 Year 3=272
<b>Total Jobs:</b>				404

The approval of this Form I-924 application and actual project supported by an exemplar Form I-526 petition is based upon the assumptions and estimates used as inputs in the business plan for job creation. Please refer to the input and multiplier analysis table above.

When an actual project is specifically named in this notice and the critical inputs remain materially unchanged, USCIS will give deference to the job creation methodology when adjudicating Forms I-526 associated with the named project. The same business plan and the same reasonable job creation methodology and projected inputs must be submitted when the individual investor's Form I-526 is filed in order to receive deference.

It will be the responsibility of the individual investor to demonstrate that the assumptions and estimates presented as inputs to the job creation methodology remain materially unchanged when he or she files a Form I-526.

#### **IV. Guidelines for Filing Form I-526 Petitions Based on the TekVet project**

Each individual petition, in order to demonstrate that it is affiliated with the Southwest Kansas Regional Center, in conjunction with addressing all the requirements for an individual immigrant investor petition, shall also contain the following:

1. A copy of this regional center approval notice and designation letter including all subsequent amendment approval letters (if applicable).
2. An economic impact analysis which reflects a job creation methodology required at 8 CFR § 204.6 (j)(4)(iii) and shows how the capital investment by an individual immigrant investor will create not fewer than ten (10) indirect jobs for each immigrant investor.
3. A comprehensive, detailed and credible business plan for an actual project that contains the factual details necessary to be in compliance with the requirements described in Matter of Ho, 22 I&N Dec. 206 (Assoc. Comm'r 1998).
4. Legally executed organizational documents of the commercial enterprise. The documents may be the same documents noted in Section III of this approval notice.

Note: If the project timeline has changed significantly from the original business plan, a narrative that explains the changes in the project timeline, along with a timeline that realistically reflects the status of the project should be submitted.

#### **V. Designee's Responsibilities in the Operations of the Regional Center**

As provided in 8 CFR § 204.6 (m)(6), to ensure that the regional center continues to meet the requirements of section 610(a) of the Appropriations Act, a regional center must provide USCIS with updated information to demonstrate the regional center is continuing to promote economic growth, improved regional productivity, job creation, and increased domestic capital investment in the approved geographic area. Such information must be submitted to USCIS on an annual basis or as otherwise requested by USCIS. The applicant must monitor all investment activities under the sponsorship of the regional center and to maintain records in order to provide the information required on the Form I-924A



Supplement to Form I-924. Form I-924A, Supplement to Form I-924 Application is available in the "Forms" section on the USCIS website at [www.uscis.gov](http://www.uscis.gov).

Regional centers that remain designated for participation in the Immigrant Investor Program as of September 30<sup>th</sup> of a calendar year are required to file Form I-924A Supplement in that year. The Form I-924A Supplement with the required supporting documentation must be filed on or before December 29<sup>th</sup> of the same calendar year.

The failure to timely file a Form I-924A Supplement for each fiscal year in which the regional center has been designated for participation in the Immigrant Investor Program will result in the issuance of an intent to terminate the participation of the regional center in the Immigrant Investor Program, which may ultimately result in the termination of the designation of the regional center.

The regional center designation is non-transferable, as any changes in management of the regional center will require the approval of an amendment to the approved regional center designation.

If the applicant has any questions concerning the regional center designation under the Immigrant Investor Program, please contact the USCIS by email at [USCIS.ImmigrantInvestorProgram@uscis.dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@uscis.dhs.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "D. Renaud", with a long horizontal flourish extending to the right.

Daniel M. Renaud  
Acting Chief, Immigrant Investor Program