

Department of Homeland Security  
U.S. Citizenship and Immigration Services

**Form I-924A**  
**Supplement to Form I-924**

**Part 1. Information About Principal of the Regional Center**

Name: Last Chan	First Gary	Middle K
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In Care Of:

Street Address/P.O. Box: 2618 Vine Street

City: Cincinnati (b)(6)	State: OH	Zip Code: 45219
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Date of Birth (mm/dd/yyyy): <span style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></span>	Fax Number (include area code): (513) 348-1818	Telephone Number (include area code): (513) 384-7835
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Web site address: <http://www.midwesteb5.com>

USCIS-assigned number for the Designated Regional Center (attach the Regional Center's most recently issued approval notice)

W09000990; RCW1034150052

**Part 2. Application Type (Check one)**

- a. Supplement for the Fiscal Year Ending September 30, 2011 (YYYY)
- b. Supplement for a Series of Fiscal Years Beginning on October 1, \_\_\_\_\_ (YYYY) and Ending on September 30, \_\_\_\_\_ (YYYY)

**Part 3. Information About the Regional Center**

(Use a continuation sheet, if needed, to provide information for additional management companies/agencies, regional center principals, agents, individuals, or entities who are or will be involved in the management, oversight, and administration of the regional center.)

A. Name of Regional Center: Kentucky Regional Center, LLC dba Midwest EB-5 Regional Center

Street Address/P.O. Box: 2618 Vine Street

City: Cincinnati	State: OH	Zip Code: 45219
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Web site <a href="http://www.midwesteb5.com">http://www.midwesteb5.com</a> Address: com	Fax Number (include area code): (513) 348-1818	Telephone (include area code): (513) 384-7835
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B. Name of Managing Company/Agency: N/A

Street Address/P.O. Box:

City:	State:	Zip Code:
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Web site Address:	Fax Number (include area code):	Telephone (include area code):
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C. Name of Other Agent: N/A

Street Address/P.O. Box:

City:	State:	Zip Code:
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Web site Address:	Fax Number (include area code):	Telephone (include area code):
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Form I-924A (11/23/10)

**RCW1203050583**

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**Part 3. Information About the Regional Center (Continued)**

Answer the following questions for the time period identified in Part 2 of this form. **Note:** If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and provide the response.

1. Identify the aggregate EB-5 capital investment and job creation has been the focus of EB-5 capital investments sponsored through the regional center. (**Note:** Separately identify jobs maintained through investments in "troubled businesses.")

Aggregate EB-5 Capital Investment \$0	Aggregate Direct and Indirect Job Creation 0	Aggregate Jobs Maintained 0
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2. Identify each industry that has been the focus of EB-5 capital investments sponsored through the Regional Center, and the resulting aggregate EB-5 capital investment and job creation. (**Note:** Separately identify jobs maintained through investments in "troubled businesses".)

a. Industry Category Title: Hotel		NAICS Code for the Industry Category 7 2 1 1 1 0
Aggregate EB-5 Capital Investment: \$0	Aggregate Direct and Indirect Job Creation: 0	Aggregate Jobs Maintained: 0
b. Industry Category Title: Restaurant		NAICS Code for the Industry Category 7 2 2 1 1 0
Aggregate EB-5 Capital Investment: \$0	Aggregate Direct and Indirect Job Creation: 0	Aggregate Jobs Maintained: 0
c. Industry Category Title: See addendum		NAICS Code for the Industry Category _____
Aggregate EB-5 Capital Investment: \$0	Aggregate Direct and Indirect Job Creation: 0	Aggregate Jobs Maintained: 0

3. Provide the following information for each job creating commercial enterprise located within the geographic scope of your regional center that has received EB-5 investor capital:

a. Name of Commercial Enterprise: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	
Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes? <input type="checkbox"/> No <input type="checkbox"/> Yes			



**Part 3. Information About the Regional Center (Continued)**

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

(1) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	
(2) Business Name N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

b. Name of Commercial Enterprise: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

(1) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment	Direct and Indirect Job Creation	Jobs Maintained	



**Part 3. Information About the Regional Center (Continued)**

<b>(2) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment:</b>	<b>Direct and Indirect Job Creation:</b>	<b>Jobs Maintained:</b>	

<b>c. Name of Commercial Enterprise:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>Aggregate EB-5 Capital Investment:</b>	<b>Aggregate Direct and Indirect Job Creation:</b>	<b>Aggregate Jobs Maintained:</b>	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

<b>(1) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment:</b>	<b>Direct and Indirect Job Creation:</b>	<b>Jobs Maintained:</b>	

<b>(2) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment:</b>	<b>Direct and Indirect Job Creation:</b>	<b>Jobs Maintained:</b>	



**Part 3. Information About the Regional Center (Continued)**

d. Name of Commercial Enterprise: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

(1) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

(2) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

e. Name of Commercial Enterprise: N/A		Industry Category Title:	
Address Street Number and Name:	City:	State:	Zip Code:
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes



**Part 3. Information About the Regional Center (Continued)**

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

(1) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	
(2) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

4. Provide the total number of approved, denied and revoked Form I-526 petitions filed by EB-5 investors making capital investments sponsored by the regional center. (Note: If an adverse action was ultimately reversed and the petition was approved, then note the case as approved.)

Form I-526 Petition Final Case Actions		
Approved	Denied	Revoked
0	0	0

5. Provide the total number of approved, denied and revoked Form I-829 petitions filed by EB-5 investors making capital investments sponsored by the regional center. (Note: If an adverse action was ultimately reversed and the petition was approved, then note the case as approved.)

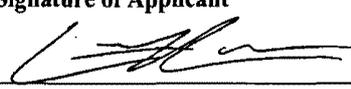
Form I-829 Petition Final Case Actions		
Approved	Denied	Revoked
0	0	0

**NOTE:** USCIS may require case-specific data relating to individual EB-5 petitions and the job creation determination and further information regarding the allocation methodologies utilized by a regional center in certain instances in order to verify the aggregate data provided above.



**Part 4. Applicant Signature** *Read the information on penalties in the instructions before completing this section. If someone helped you prepare this petition, he or she must complete Part 5.*

I certify, under penalty of perjury under the laws of the United States of America, that this supplemental form and the evidence submitted with it are all true and correct. I authorize the release of any information from my records that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit being sought. I also certify that I have authority to act on behalf of the Regional Center.

<b>Signature of Applicant</b> 	<b>Printed Name of Applicant</b> Gary Chan	<b>Date (mm/dd/yyyy)</b> 01/26/2012
<b>Daytime Phone Number</b> <i>(Area/Country Codes)</i> (513) 384-7835	<b>E-Mail Address</b> gary.chan@midwesteb5.com	
<b>Relationship to the Regional Center Entity (Managing Member, President, CEO, etc.)</b> Managing Principal		

**Part 5. Signature of Person Preparing This Form, If Other Than Above (Sign Below)**

I declare that I prepared this form using information provided by someone with authority to act on behalf of the Regional Center, and the answers and information are those provided by the Regional Center.

**Attorney or Representative:** In the event of a Request for Evidence (RFE), may the USCIS contact you by Fax or E-mail?  No  Yes

<b>Signature of Preparer</b>	<b>Printed Name of Preparer</b>	<b>Date (mm/dd/yyyy)</b>
<b>Firm Name and Address</b>		
<b>Daytime Phone Number</b> <i>(Area/Country Codes)</i>	<b>Fax Number (Area/Country Codes)</b>	<b>E-Mail Address</b>



**Form I-924A, Supplement to Form I-924**  
**Kentucky Regional Center, LLC dba Midwest EB-5 Regional Center**  
**W09000990; RCW1034150052**

**Part 3. Information About the Regional Center**

2. Identify each industry that has been the focus of EB-5 capital investments sponsored through the Regional Center, and the resulting aggregate EB-5 capital investment and job creation.

Industry Category Title: Retail Stores

NAICS Code for the Industry Category: 4539

Aggregate EB-5 Capital Investment: \$0

Aggregate Direct and Indirect Job Creation: 0

Aggregate Jobs Maintained: 0

Industry Category Title: Condominiums/Apartments

NAICS Code for the Industry Category:

- 53131 Condominiums
- 5311 Apartments

Aggregate EB-5 Capital Investment: \$0

Aggregate Direct and Indirect Job Creation: 0

Aggregate Jobs Maintained: 0

Industry Category Title: Office Buildings

NAICS Code for the Industry Category: 5311

Aggregate EB-5 Capital Investment: \$0

Aggregate Direct and Indirect Job Creation: 0

Aggregate Jobs Maintained: 0

Industry Category Title: Light Industrial/Warehouse

NAICS Code for the Industry Category: 339

Aggregate EB-5 Capital Investment: \$0

Aggregate Direct and Indirect Job Creation: 0

Aggregate Jobs Maintained: 0

Industry Category Title: Continuing Care Retirement Communities

NAICS Code for the Industry Category: 623311

Aggregate EB-5 Capital Investment: \$0

Aggregate Direct and Indirect Job Creation: 0

Aggregate Jobs Maintained: 0

Industry Category Title: Mixed Use: Retail Store, Condominiums and Apartments

NAICS Code for the Industry Category: Mixed Use

- 4539 Retail Store,
- 53131 Condominiums, and

- 5311 Apartments

Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: 0  
Aggregate Jobs Maintained: 0

Industry Category Title: Mixed Use; Office Buildings and Retail Stores  
NAICS Code for the Industry Category: Mixed Use

- 5311 Office Buildings and
- 4539 Retail Stores

Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: 0  
Aggregate Jobs Maintained: 0



**U.S. Citizenship  
and Immigration  
Services**

April 29, 2010

Andrew Moffe  
Kentucky Regional Center, LLC  
7000 Houston Road, Suite 3  
Florence, Kentucky 41042

Application: Request for Designation as a Regional Center  
Applicant(s): Andrew Moffe  
Re: Kentucky Regional Center, LLC  
W09000990

Pursuant to Section 610 of the Appropriations Act of 1993, on September 29, 2009, Andrew Moffe submitted a proposal seeking approval and designation by U.S. Citizenship and Immigration Services (USCIS) of the Kentucky Regional Center, LLC.

Based on its review and analysis of your proposal, and of your response to the USCIS Request For Evidence, USCIS hereby designates Kentucky Regional Center, LLC as a Regional Center within the Immigrant Investor Pilot Program and approves the request as described below:

**GEOGRAPHIC AREA:**

The Kentucky Regional Center, LLC shall have a geographic scope which includes the Kentucky counties of Campbell, Kenton and Boone and the Ohio counties of Hamilton, Butler, Clermont and Warren.

**FOCUS OF INVESTMENT ACTIVITY:**

As depicted in the economic model, the general proposal and the economic analysis, the Regional Center will engage in the following economic activities: develop, construct, own, manage and operate an entertainment district composed of retail, commercial and entertainment businesses, including but not limited to restaurants, bars, eateries and any other venues for entertainment or recreation.

The Regional Center for EB-5 Immigrant purposes shall focus investments into new commercial enterprises in the following nine (9) target industry economic clusters:

1. Hotels
2. Restaurants

3. Retail Stores
4. Condominiums/Apartments
5. Office Buildings
6. Light Industrial/Warehouse
7. Continuing Care Retirement Communities
8. Mixed Use: Retail Store, Condominiums and Apartments
9. Mixed Use: Office Buildings and Retail Stores

If any investment opportunities arise that are beyond the scope of the approved industry clusters, then an amendment would be required to add that cluster.

The geographic focus of this area may contain some High Unemployment Targeted Employment Areas (TEAs) as designated by the State of Kentucky or the State of Ohio and rural TEAs, as defined in 8 CFR 204.6(e). Therefore, the minimum capital investment threshold for any individual immigrant investment into an approved commercial enterprise throughout the Regional Center shall be not less than \$500,000, if the investment target is located within a TEA or \$1,000,000 if it is located outside of a TEA. No debt arrangement will be acceptable unless it is secured by assets owned by the alien entrepreneur. A full capital investment must be made and placed at risk.

For any alien requesting the reduced threshold of \$500,000 based upon an investment in a Targeted Employment area, the alien must establish at the time of filing of the I-526 petition that either the investment will be made in a TEA designated area or was in a TEA designated area at the time of the alien's initial investment into the enterprise.

#### **EMPLOYMENT CREATION**

Immigrant investors who file petitions for commercial enterprises located in the Regional Center area must fulfill all of the requirements set forth in 8 CFR 204.6, except that the petition need not show that the new commercial enterprises created ten new jobs indirectly as a result of the immigrant investor's investment. This determination has been established by way of USCIS' acceptance of the final economic analysis that is contained as part of the approved Regional Center proposal and its indirect job creation model and multipliers contained within the final approved Regional Center application package. Rather, the investor must show at the time of removal of conditions that they performed the activities described in the model and on which the approved methodology is based.

In addition, where job creation or preservation of existing jobs is claimed based on a multiplier rooted in underlying new "direct jobs", the immigrant investor's individual I-526 petition affiliated with your Regional Center, should include as supporting evidence:

- A comprehensive detailed business plan with supporting financial, marketing and related data and analysis providing a reasonable basis for projecting creation of any new direct jobs for "qualifying employees" to be achieved/realized within two years pursuant to 8 CFR 204.6(j)(4)(B).

An alien investor's I-829 petition to remove the conditions which was based on an I-526 petition approval that involved the creation of new direct jobs or the creation of new indirect jobs based on a multiplier tied to underlying new direct jobs needs to be properly supported by evidence of job creation. To support the full number of direct and indirect new jobs being claimed in connection with removal of conditions, the petition will need to be supported by probative evidence of the number of new direct full time (35 hours per week) jobs for qualified employees whose positions have been created as a result of the alien's investment. Such evidence may include copies of quarterly state employment tax reports, Forms W-2, Forms I-9, and any other pertinent employment records sufficient to demonstrate the number of qualified employees whose jobs were created directly.

**Additional Guidelines for individual Immigrant Investors Visa Petition (I-526)**

Based upon the review of your proposal, the Manhattan Harbour Project (consisting of a mixed-use commercial center that will include a hotel, retail stores, restaurants, residences and office buildings) is approved as a Capital Investment Project for your regional center. To demonstrate that an individual alien investor is associated with this project and your regional center, each alien entrepreneur petition, in conjunction with addressing all the requirements for that petition, shall contain supporting evidence relating to this project and the regional center designation, as follows:

1. A copy of this letter, the Regional Center approval and designation.
2. A copy of the USCIS approved Regional Center narrative proposal and business plan.
3. A copy of the job creation methodology required in 8 CFR 204.6(j)(4)(iii), as contained in the final Regional Center economic analysis which has been approved by USCIS, which reflects that investment by an individual immigrant investor will create not fewer than ten (10) full-time employment positions, either directly or indirectly, per immigrant investor.
4. A legally executed copy of the USCIS approved documents for MH Entertainment I Regional Center Partnership, Kentucky, LLC, YI, LLC and TAG, LLC:
  - a. Limited Partnership Agreement; Samples/Drafts dated April 6, 2010
  - b. Subscription Agreement; Samples/Drafts dated April 6, 2010
  - c. Escrow Agreement; and Samples/Drafts dated April 6, 2010
  - d. Operating Agreement Samples/Drafts dated April 6, 2010

**DESIGNEE'S RESPONSIBILITIES INHERENT IN CONDUCT OF THE REGIONAL CENTER:**

The law, as reflected in the regulations at 8 CFR 204.6(m)(6), requires that an approved Regional Center in order to maintain the validity of its approval and designation must continue to meet the statutory requirements of the Immigrant Investor Pilot Program by serving the purpose of promoting economic growth, including increased export sales (where applicable), improved regional productivity, job creation, and increased domestic capital investment. Therefore, in order for USCIS to determine whether your Regional Center is in compliance with the above cited regulation, and in order to continue to operate as a USCIS approved and designated Regional Center, your administration, oversight, and management of your Regional Center shall be such as to monitor all investment activities under the sponsorship of your Regional Center and to maintain records, data and information on a quarterly basis in order to report to USCIS upon request the following year to date information for each Federal Fiscal Year<sup>1</sup>, commencing with the initial year as follows:

1. Provide the principal authorized official and point of contact of the Regional Center responsible for the normal operation, management and administration of the Regional Center.
2. Be prepared to explain how you are administering the Regional Center and how you will be actively engaged in supporting a due diligence screening of its alien investors' lawful source of capital and the alien investor's ability to fully invest the requisite amount of capital.

<sup>1</sup> A Federal Fiscal Year runs for twelve consecutive months from October 1<sup>st</sup> to September 30<sup>th</sup>.

3. Be prepared to explain the following:
  - a. How the Regional Center is actively engaged in the evaluation, oversight and follow up on any proposed commercial activities that will be utilized by alien investors.
  - b. How the Regional Center is actively engaged in the ongoing monitoring, evaluation, oversight and follow up on any investor commercial activity affiliated through the Regional Center that will be utilized by alien investors in order to create direct and/or indirect jobs through qualifying EB-5 capital investments into commercial enterprises within the Regional Center.
  
4. Be prepared to provide:
  - a. the name, date of birth, petition receipt number, and alien registration number (if one has been assigned by USCIS) of each principal alien investor who has made an investment and has filed an EB-5/I-526 Petition with USCIS, specifying whether:
    - i. the petition was filed,
    - ii. was approved,
    - iii. denied, or
    - iv. withdrawn by the petitioner, together with the date(s) of such event.
  - b. The total number of visas represented in each case for the principal alien investor identified in 4.a. above, plus his/her dependents (spouse and children) for whom immigrant status is sought or has been granted.
  - c. The country of nationality of each alien investor who has made an investment and filed an EB-5/I-526 petition with USCIS.
  - d. The U.S. city and state of residence (or intended residence) of each alien investor who has made an investment and filed an EB-5/I-526 petition with USCIS.
  - e. For each alien investor listed in item 4.a., above, identify the following:
    - i. the date(s) of investment in the commercial enterprise;
    - ii. the amount(s) of investment in the commercial enterprise; and
    - iii. the date(s), nature, and amount(s) of any payment/remuneration/profit/return on investment made to the alien investor by the commercial enterprise and/or Regional Center from when the investment was initiated to the present.
  
5. Be prepared to identify/list each of the target industry categories of business activity within the geographic boundaries of your Regional Center that have:
  - a. received alien investors' capital, and in what aggregate amounts;
  - b. received non-EB-5 domestic capital that has been combined and invested together, specifying the separate aggregate amounts of the domestic investment capital;

- c. of the total investor capital (alien and domestic) identified above in 5.a and 5.b, identify and list the following:
      - i. The name and address of each "direct" job creating commercial enterprise.
      - ii. The industry category for each indirect job creating investment activity.
6. Be prepared to provide:
  - a. The total aggregate number of approved EB-5 alien investor I-526 petitions per each Federal Fiscal Year to date made through your Regional Center.
  - b. The total aggregate number of approved EB-5 alien investor I-829 petitions per each Federal Fiscal Year to date through your Regional Center.
7. The total aggregate sum of EB-5 alien capital invested through your Regional Center for each Federal Fiscal Year to date since your approval and designation.
8. The combined total aggregate of "new" direct and/or indirect jobs created by EB-5 investors through your Regional Center for each Federal Fiscal Year to date since your approval and designation.
9. If applicable, the total aggregate of "preserved" or saved jobs by EB-5 alien investors into troubled businesses through your Regional Center for each Federal Fiscal Year to date since your approval and designation.
10. If for any given Federal Fiscal Year your Regional Center did or does not have investors to report, then provide:
  - a. a detailed written explanation for the inactivity,
  - b. a specific plan which specifies the budget, timelines, milestones and critical steps to:
    - i. actively promote your Regional Center program,
    - ii. identify and recruit legitimate and viable alien investors, and
    - iii. a strategy to invest into job creating enterprises and/or investment activities within the Regional Center.
11. Regarding your website, if any, please be prepared to provide a hard copy which represents fully what your Regional Center has posted on its website, as well as providing your web address. Additionally, please provide a packet containing all of your Regional Center's hard copy promotional materials such as brochures, flyers, press articles, advertisements, etc.
12. Finally, please be aware that it is incumbent on each USCIS approved and designated Regional Center, in order to remain in good standing, to notify the USCIS within 15 business days at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov) of any change of address or occurrence of any material change in:
  - the name and contact information of the responsible official and/or Point of Contact (POC) for the RC
  - the management and administration of the RC,

January 26, 2012

Rosemary Langley Melville  
Director, California Service Center  
U.S. Citizenship and Immigration Services  
24000 Avila Road, 2<sup>nd</sup> Floor  
Laguna Niguel, CA 92677-8111

**Re: I-924A for Kentucky Regional Center, LLC  
dba Midwest EB-5 Regional Center**

Dear Ms. Melville:

During the fiscal year starting October 1, 2010 and concluding September 30, 2011 ("FY 2011"), Kentucky Regional Center, LLC dba Midwest EB-5 Regional Center ("MERC") did not have any capital investment activity relating to EB-5 investors. The main focus for MERC during this time period was marketing the Short Vine Entertainment District project in China, and also laying the groundwork for the project for when capital investment will come in.

Marketing efforts include, but were not limited to:



(b)(4)

This brief responds to all of the required information raised in the I-924A form:

- A. During FY 2011, there was \$0 in capital investment through MERC.
- B. During FY 2011, there were 0 new jobs, direct or indirect, created through MERC
- C. During FY 2011, there were 0 jobs "maintained" by EB-5 capital investments into a "troubled business" through MERC
- D. During FY 2011, there was no capital investment nor jobs created through MERC, so the industry focus is not applicable

- E. During FY 2011, there was no capital investment into a commercial enterprise by means of alien investor capital through MERC.
- F. During FY 2011, there was no capital investment into a commercial enterprise that served as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes.
- G. During FY 2011, there were no I-526 petitions filed by alien investors that were sponsored through MERC.
- H. During FY 2011, there were no I-829 petitions filed by alien investors that were sponsored through MERC.

As indicated above, during FY 2011, MERC was actively marketing the Short Vine Entertainment District project, but did not receive any capital investment or create any direct/indirect jobs. We expect substantial capital in 2012.

I was in China, but had to fly back to Pittsburgh, PA on short notice for my mother's lung transplant on December 7<sup>th</sup>, which tied me up through the holidays. Then, I went immediately back to China. I got back the middle of this month.

As a principal of the Regional Center, it was my responsibility to file the I-924A. With this being the first year, I was unclear as to whether we needed to file, since we did not have any investment prior to October. Then, with this sudden family medical emergency, I was pulled away from work for a few weeks and into the holiday, and then resumed immediately after the New Year by traveling to China again.

I apologize for the late filing. It won't happen again, I assure you.

Sincerely,



Gary Chan  
Managing Principal  
Kentucky Regional Center, LLC  
dba Midwest EB-5 Regional Center

**FedEx** NEW Package  
Express US Airbill

FedEx  
Tracking  
Number

8993 6076 4620

0200 Form  
ID No.

FedEx Retrieval Copy

fedex.com 1.800.GoFedEx 1.800.463.3339

1 From [Redacted]  
Date 1/27/12

Sender's Name CAIY CHAN Phone 513-384-7835

Company MIDWEST EB-5 REGIONAL CENTER

Address 2612 VINE STREET

City CINCINNATI State OH ZIP 45219  
CSC Dept./Floor/Suite/Room

2 Your Internal Billing Reference AM, JAN 30 2012

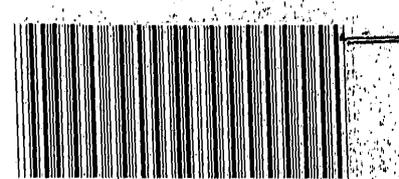
3 To Recipient's Name EB-5 PROCESSING UNIT Phone STAMP #166

Company U.S. CITIZENSHIP & IMMIGRATION SERVICES, CALIFORNIA CENTER  
CSC

Address 24000 AVILA ROAD 2ND FLOOR  
We cannot deliver to P.O. boxes or P.O. ZIP codes. Dept./Floor/Suite/Room

Address [Redacted]  
Use this line for the HOLD location address or for continuation of your shipping address.

City LAGUNA HILLS State CA ZIP 92657



8993 6076 4620

4 Express Package Service \*To most locations. Packages up to 150 lbs.  
NOTE: Service order has changed. Please select carefully. For packages over 50 lbs., use the new FedEx Express Freight US Airbill.

- Next Business Day
- 06  FedEx First Overnight  
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
  - 01  FedEx Priority Overnight  
Next business morning. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
  - 05  FedEx Standard Overnight  
Next business afternoon. Saturday Delivery NOT available.
- 2 or 3 Business Days
- 49  NEW FedEx 2Day A.M.  
Second business morning. Saturday Delivery NOT available.
  - 03  FedEx 2Day  
Second business afternoon. Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
  - 20  FedEx Express Saver  
Third business day. Saturday Delivery NOT available.

- 5 Packaging \*Declared value limit \$200.
- 06  FedEx Envelope\*
  - 02  FedEx Pak\*
  - 03  FedEx Box
  - 04  FedEx Tube
  - 01  Other

- 6 Special Handling and Delivery Signature Options
- 03  SATURDAY DELIVERY
- 05  Signature Required  
Packages may be left without requiring a signature for delivery.
  - 16  Direct Signature  
Someone at recipient's address may sign for delivery. Fee applies.
  - 34  Indirect Signature  
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.
- Does this shipment contain dangerous goods?  
One box must be checked.
- 04  No
  - 04  Yes  
As per attached Shipper's Declaration.
  - 06  Dry Ice  
Dry Ice, 9, UN 1845
  - 31  CARGO AIRCRAFT ONLY
- \*Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.

7 Payment Bill to:

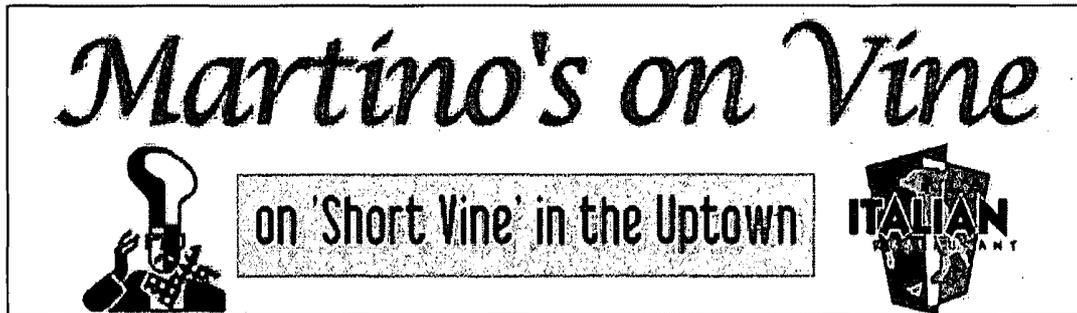
Sender: [Redacted] Enter FedEx Acct. No. or Credit Card No. below. Obtain recip. Acct. No.

- 1  Sender Acct. No. in Section 1 will be billed.
- 2  Recipient
- 3  Third Party
- 4  Credit Card
- 5  Cash/Check

Total Packages 1 Total Weight [Redacted] lbs. Credit Card Auth. [Redacted]

\*Our liability is limited to \$100 unless you declare a higher value. See the current FedEx Service Guide for details.

fedex.com 1.800.GoFedEx 1.800.463.3339



### Directions

Martino's is located just a block East of the University of Cincinnati at 2618 Vine Street. We're easy to get to from I-75 or I-71.

Coming from I-75, get off at the Hopple Street exit. Turn left off the exit ramp at the light and continue through seven (7) traffic lights (you'll be on MLK). Almost immediately after the 7th light you'll turn right on Vine Street. Martino's is three blocks down on the left, across from Bogart's.

Coming from I-71, get at the Taft Road exit. Continue on Taft, a one way street, through 4 traffic lights. Right before the 5th traffic light, at the intersection of Taft and Vine (the University Plaza Shopping Center will be on your right) turn right. Then turn right again at the first light, Corry Street. At the first Stop sign, Vine Street, turn left. Martino's is a half a block down on the right across from Bogart's.

Need directions to Martino's from somewhere else? Click [HERE](#) for additional assistance.

### Parking

**Metered Parking:** Enforced. Free after 6pm Mon-Sat and all day Sunday.

**24-Hr Lots:** There is one right behind Martino's at Corry & Van. Two others are located at Corry & Glendora and Charlton & Glendora. There is also a lot in the Corryville Colonade on Vine right next to Kinko's. Be sure to check your space number and pay.

**Shields School:** Located at Vine & Daniels; open nightly after 4pm and all day on weekends. Be sure to check your space number and pay.

**Off Street:** There is other off street parking on surrounding side streets, for which there is no charge. A better bet though would be to use one of the aforementioned.

**Do Not Park in the University Plaza** (Krogers/Walgreens / Blockbuster), you will almost certainly be towed -- they watch their lots very carefully. Towing charges run up to \$100. Good advice is to always pay for parking and never park in the University Plaza lot, unless it is because you are patronizing one of the Plaza's businesses.

## *Martino's on Vine*

[Return to Homepage](#)

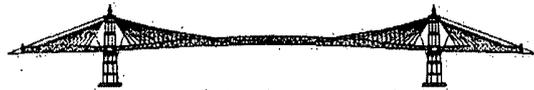
**Martino's On Vine • 2618 Vine Street • Cincinnati OH 45219**

**Telephone: 513-221-8487 • Fax: 513-221-0109**

**Dine In • Carry Out • Catering**

**[martinosonvine.com](http://martinosonvine.com)**

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## Midwest EB-5 Regional Center

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### Immigrants fuel innovative plans for revival on Short Vine

March 27, 2012 - by [msd\\_lab](#) - in [In The News](#) - [Comments Off](#)

What's the magic that makes redevelopment transform one neighborhood and not another?

Terry Chan has mulled over this question for a good many years. In his international high school in Hong Kong, he thought about it as friends from China recounted tales of fleeing Indonesia amid economic unrest. At Carnegie Mellon, he studied finance, IT and urban planning. He researched Hong Kong's uneasy transition back into China and the Butterfly Effect, or how one small event in one place can lead to a large change elsewhere. He worked for several Fortune 500 companies before moving to Cincinnati to invest in real estate close to his in-laws. And throughout this journey of learning and understanding how business and development works, he continues to revisit that question, "Why does money flow in some places and not in others?"

With the Short Vine Innovation District, Chan hopes to answer that question. Far more than just a real estate redevelopment project for Short Vine, this venture is creating a technological hub of early-stage, vibrant businesses. In a twist on the American dream, the district is funded in part by immigrants investing in promising startups. Members of this new brand of community share talents and support one another while generating energy with local business incubators and a neighboring university's classrooms, laboratories and bright, young minds.

Short Vine is home to Chan's family. Two decades ago, father-in-law Marty Angiulli opened Martino's Italian Restaurant at 2618 Vine, in the middle of the streetscape just east of the University of Cincinnati. Over the years, he purchased the entire block. With Angiulli as one of its partners, the Short Vine Entertainment District has recently added more buildings across and down the street, including a parking garage. With the completion of a Hampton Inn & Suites north on Vine, the City of Cincinnati's ongoing street and sidewalk improvements and an upcoming renovation of the Kroger store at Short Vine's south end, the block is primed and ready to welcome Chan's vision of lasting urban renewal.

"In a place like Cincinnati, without a real estate bubble like in some other places, it's the tenants that drive the value of real estate," Chan says. "If we knew that, say, P&G wanted this property and was willing to move in under a 100-year lease, this place would be worth so much more." You haven't changed spaces, just increased interest and a sense of permanence.

Chan and his core team - Matt Kappers, Nathan Hammond, Martin Lawler and Paul Sommers - have set out to make Short Vine more interesting to a diverse range of businesses for added stability. A restaurant group offers dining and entertainment space to tenants, with management help from the Short Vine Innovation District to lessen the inherent risk in food service. With CincyTech as a partner, Short Vine is also opening its doors to young companies ready for their second burst of investment and support.

"So," says Chan, "now we have office tenants in our real estate, eating lunch at the restaurants, parking in the garage, socializing on the block and spilling into our other investments."

Being right next door to a large research institution offers a myriad of benefits for startups being wooed by Chan's team. Jaydev Karande is the founder of Wearcast, one of those downtown CincyTech seed companies that recently moved to Short Vine. "Being this close to UC gives us ways to test concepts, engage students, find interns and get smart talent," Karande says. "Look at Cincinnati; it's pretty conservative in terms of employment." Start-ups value fresh, young minds, sometimes more than experience.

The Short Vine Innovation District also supports startups like Karande's with its Source Lab. Gary Chan, Terry's brother, explains. "We have different people with different expertise - web designers and developers, software engineers, product managers - who can build a product." Wearcast might need an on-call, not full-time, web designer, so it contracts with Source Lab for exactly the amount of work it wants and avoids over-hiring. "We cater to this start-up community."

Partnership with the UC Technology Commercialization Accelerator will add more innovative businesses to Short Vine. With a goal of 12 to 18 companies on Short Vine within two years, the neighborhood will see cutting-edge technology rolling out of the university and into startup companies along the street, creating new jobs and bringing economic vitality to the neighborhood and the region.

[Scroll to Top](#)

Chan, "They are doing this for their kids. This isn't just money. To questions like, 'Will this become a Chinatown with all these Chinese investors?' I say, 'This has nothing to do with China itself. If the money were in Kenya, we'd be there recruiting it. These investors are injecting a lot of money into our economy, creating permanent jobs and becoming permanent residents who pay taxes.' And their 10 employees are paying taxes, too."

Because the EB-5 program is focused on job creation, startup companies find that they can be more creative with the funding in attracting and keeping employees.

Sameer Munger is CEO and co-founder of Zipscore at 2712 Vine, another startup helped by foreign investment through the Short Vine Innovation District. "We've only been here since February, and they did everything to prepare for us, we just showed up with our computers," he says. "As a startup, you're pretty strapped, so for them to take on the space, design and furnish it, was one less thing for us to do."

Karande sees employee benefits. "If there is good investment, startups have more money than you would think and can offer competitive salaries."

Presently, Short Vine has 54,000 square feet of office space and twice the demand; it holds 20,000 square feet of retail space and a current demand for three times that amount of space. "This time next year," Chan predicts, "we should have every space filled."

This renaissance of a once-blighted streetscape is a quirky and clever combination of local and international players, wide-open to new ideas and balanced by diversity and attentive support. Is this the answer to Chan's persistent question about redevelopment?

Talent, energy and time will tell.

Becky Johnson, Soapbox Media, Tuesday, March 27, 2012

[Scroll to Top](#)

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RECEIPT NUMBER RCW1203050583	CASE TYPE I924A Supplement to Form I-924
RECEIVED DATE January 30, 2012	APPLICANT CHAN, GARY K
NOTICE DATE January 30, 2012	PAGE 1 of 1
KENTUCKY REGIONAL CENTER LLC DBA MIDWEST EB 5 REGIONAL CENTER 2618 VINE ST CINCINNATI OH 45219	NOTICE TYPE: Receipt Notice

**Receipt Notice** - This notice confirms that USCIS received your application or petition as shown above. Please reference the receipt number, above, on any correspondence with USCIS. If any of the above information is incorrect, please immediately contact us at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov) to let us know. This will help avoid future problems.

This notice does not grant any immigration status or benefit. It is not even evidence that this case is still pending. It only shows that the application or petition was filed on the date shown.

**Processing time** – Processing times vary by kind of case. You can check our website at [www.uscis.gov](http://www.uscis.gov) for our current processing times for this kind of case at the particular office to which this case is or becomes assigned. If you do not receive an initial decision or update from us within our current processing time, email us at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov). Save this notice, and any other notice we send you about this case, and please make and keep a copy of any papers you send us by any means along with any proof of delivery to us. Please have all these papers with you if you contact us about this case.

**If your address changes** – If your mailing address changes while your case is pending, notify us at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov), otherwise you may not receive notice of our action on this case.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC  
CALIFORNIA SERVICE CENTER  
P.O. BOX 30111  
LAGUNA NIGUEL CA 92607-0111  
Customer Service Telephone: (800) 375-5283



# COPY

RECEIPT NUMBER RCW1336451526	CASE TYPE 1924A Supplement to Form I-924
RECEIVED DATE December 30, 2013	APPLICANT CHAN, GARY K
NOTICE DATE December 30, 2013	PAGE 1 of 1
KENTUCKY REGIONAL CENTER LLC D/B/A MIDWEST EB 5 REGIONAL CENTER 9662 KENWOOD RD CINCINNATI OH 45242	NOTICE TYPE: Receipt Notice

**Receipt Notice** - This notice confirms that USCIS received your application or petition as shown above. Please reference the receipt number, above, on any correspondence with USCIS. If any of the above information is incorrect, please immediately contact us at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov) to let us know. This will help avoid future problems.

This notice does not grant any immigration status or benefit. It is not even evidence that this case is still pending. It only shows that the application or petition was filed on the date shown.

**Processing time** – Processing times vary by kind of case. You can check our website at [www.uscis.gov](http://www.uscis.gov) for our current processing times for this kind of case at the particular office to which this case is or becomes assigned. If you do not receive an initial decision or update from us within our current processing time, email us at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov). Save this notice, and any other notice we send you about this case, and please make and keep a copy of any papers you send us by any means along with any proof of delivery to us. Please have all these papers with you if you contact us about this case.

**If your address changes** – If your mailing address changes while your case is pending, notify us at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov), otherwise you may not receive notice of our action on this case.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC  
CALIFORNIA SERVICE CENTER  
P.O. BOX 30111  
LAGUNA NIGUEL CA 92607-0111  
Customer Service Telephone: (800) 375-5283



**Form I-924A,  
Supplement to Form I-924**

Department of Homeland Security  
U.S. Citizenship and Immigration Services

**Part 1. Information About Principal of the Regional Center**

Name: Last Chan	First Gary	Middle K
--------------------	---------------	-------------

In Care Of:

Street Address/P.O. Box: 9662 Kenwood Road

City: Cincinnati (b)(6)	State: OH	Zip Code: 45242
-------------------------	-----------	-----------------

Date of Birth (mm/dd/yyyy):	Fax Number (include area code): (513) 258-0871	Telephone Number (include area code): (513) 258-2216
-----------------------------	--	--

Web site address: www.midwesteb5.com

USCIS-assigned number for the Designated Regional Center (attach the Regional Center's most recently issued approval notice) ID1031910178

**Part 2. Application Type (check one)**

- a. Supplement for the Fiscal Year Ending September 30, 2013 (YYYY)
- b. Supplement for a Series of Fiscal Years Beginning on October 1, (YYYY) and Ending on September 30, (YYYY)

**Part 3. Information About the Regional Center**

(Use a continuation sheet, if needed, to provide information for additional management companies/agencies, regional center principals, agents, individuals, or entities who are or will be involved in the management, oversight, and administration of the regional center.)

A. Name of Regional Center: Kentucky Regional Center, LLC d/b/a Midwest EB-5 Regional Center

Street Address/P.O. Box: 9662 Kenwood Road

City: Cincinnati	State: OH	Zip Code: 45242
------------------	-----------	-----------------

Web site Address: www.midwesteb5.com	Fax Number (include area code): (513) 258-0871	Telephone (include area code): (513) 258-2216
--------------------------------------	--	---

B. Name of Managing Company/Agency: TAG KENTUCKY, LLC

Street Address/P.O. Box: 9662 Kenwood Road

City: Cincinnati	State: OH	Zip Code: 45242
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Web site Address:	Fax Number (include area code):	Telephone (include area code):
-------------------	---------------------------------	--------------------------------

C. Name of Other Agent:

Street Address/P.O. Box:

City:	State:	Zip Code:
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Web site Address:	Fax Number (include area code):	Telephone (include area code):
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RCW1336451526



**RCW1336451526**

egarcia2      I924A      12/30/2013



**RCW1336451526**

egarcia2      I924A      12/30/2013



**RCW1336451526**

egarcia2      I924A      12/30/2013

GARY K CHAN  
9662 KENWOOD RD  
CINCINNATI OH 45242

GARY K CHAN  
9662 KENWOOD RD  
CINCINNATI OH 45242



**RCW1336451526**

egarcia2      I924A      12/30/2013

**Part 3. Information About the Regional Center (Continued)**

Answer the following questions for the time period identified in Part 2 of this form. **Note:** If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and provide the response.

1. Identify the aggregate EB-5 capital investment and job creation has been the focus of EB-5 capital investments sponsored through the regional center. (**Note:** Separately identify jobs maintained through investments in "troubled businesses.")

Aggregate EB-5 Capital Investment \$0	Aggregate Direct and Indirect Job Creation No I-829 petitions filed yet	Aggregate Jobs Maintained 0
--	--	--------------------------------

2. Identify each industry that has been the focus of EB-5 capital investments sponsored through the Regional Center, and the resulting aggregate EB-5 capital investment and job creation. (**Note:** Separately identify jobs maintained through investments in "troubled businesses".)

a. Industry Category Title: Full Service Restaurants		NAICS Code for the Industry Category 7 2 2 5 1 1
Aggregate EB-5 Capital Investment: \$0	Aggregate Direct and Indirect Job Creation: No I-829 petitions filed yet	Aggregate Jobs Maintained: 0
b. Industry Category Title: Limited Service Restaurants		NAICS Code for the Industry Category 7 2 2 5 1 3
Aggregate EB-5 Capital Investment: \$0	Aggregate Direct and Indirect Job Creation: No I-829 petitions filed yet	Aggregate Jobs Maintained: 0
c. Industry Category Title: See Addendum		NAICS Code for the Industry Category _____
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:

3. Provide the following information for each job creating commercial enterprise located within the geographic scope of your regional center that has received EB-5 investor capital:

a. Name of Commercial Enterprise: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	
Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes? <input type="checkbox"/> No <input type="checkbox"/> Yes			

**Part 3. Information About the Regional Center (Continued)**

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

<b>(1) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment:</b>	<b>Direct and Indirect Job Creation:</b>	<b>Jobs Maintained:</b>	
<b>(2) Business Name</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment:</b>	<b>Direct and Indirect Job Creation:</b>	<b>Jobs Maintained:</b>	

<b>b. Name of Commercial Enterprise:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>Aggregate EB-5 Capital Investment:</b>	<b>Aggregate Direct and Indirect Job Creation:</b>	<b>Aggregate Jobs Maintained:</b>	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

<b>(1) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment</b>	<b>Direct and Indirect Job Creation .</b>	<b>Jobs Maintained</b>	

**Part 3. Information About the Regional Center (Continued)**

<b>(2) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment:</b>	<b>Direct and Indirect Job Creation:</b>	<b>Jobs Maintained:</b>	

<b>c. Name of Commercial Enterprise:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>Aggregate EB-5 Capital Investment:</b>	<b>Aggregate Direct and Indirect Job Creation:</b>	<b>Aggregate Jobs Maintained:</b>	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

<b>(1) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment:</b>	<b>Direct and Indirect Job Creation:</b>	<b>Jobs Maintained:</b>	

<b>(2) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment:</b>	<b>Direct and Indirect Job Creation:</b>	<b>Jobs Maintained:</b>	

**Part 3. Information About the Regional Center (Continued)**

d. Name of Commercial Enterprise: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

(1) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

(2) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

e. Name of Commercial Enterprise: N/A		Industry Category Title:	
Address Street Number and Name:	City:	State:	Zip Code:
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes

**Part 3. Information About the Regional Center (Continued)**

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

(1) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	
(2) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

4. Provide the total number of approved, denied and revoked Form I-526 petitions filed by EB-5 investors making capital investments sponsored by the regional center. (Note: If an adverse action was ultimately reversed and the petition was approved, then note the case as approved.)

Form I-526 Petition Final Case Actions		
Approved	Denied	Revoked
0	0	0

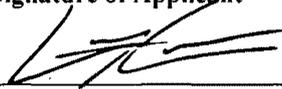
5. Provide the total number of approved, denied and revoked Form I-829 petitions filed by EB-5 investors making capital investments sponsored by the regional center. (Note: If an adverse action was ultimately reversed and the petition was approved, then note the case as approved.)

Form I-829 Petition Final Case Actions		
Approved	Denied	Revoked
0	0	0

**NOTE:** USCIS may require case-specific data relating to individual EB-5 petitions and the job creation determination and further information regarding the allocation methodologies utilized by a regional center in certain instances in order to verify the aggregate data provided above.

**Part 4. Applicant Signature** *Read the information on penalties in the instructions before completing this section. If someone helped you prepare this petition, he or she must complete Part 5.*

I certify, under penalty of perjury under the laws of the United States of America, that this supplemental form and the evidence submitted with it are all true and correct. I authorize the release of any information from my records that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit being sought. I also certify that I have authority to act on behalf of the Regional Center.

<b>Signature of Applicant</b> 	<b>Printed Name of Applicant</b> Gary K. Chan	<b>Date (mm/dd/yyyy)</b> 12/26/2013
<b>Daytime Phone Number</b> <i>(Area/Country Codes)</i> (513) 258-2216	<b>E-Mail Address</b> gary.chan@midwesteb5.com	
<b>Relationship to the Regional Center Entity (Managing Member, President, CEO, etc.)</b> Managing Principal		

**Part 5. Signature of Person Preparing This Form, If Other Than Above (Sign Below)**

I declare that I prepared this form using information provided by someone with authority to act on behalf of the Regional Center, and the answers and information are those provided by the Regional Center.

**Attorney or Representative:** In the event of a Request for Evidence (RFE), may the USCIS contact you by Fax or E-mail?  No  Yes

<b>Signature of Preparer</b>	<b>Printed Name of Preparer</b>	<b>Date (mm/dd/yyyy)</b>
<b>Firm Name and Address</b>		
<b>Daytime Phone Number</b> <i>(Area/Country Codes)</i>	<b>Fax Number (Area/Country Codes)</b>	<b>E-Mail Address</b>

**Form I-924A, Supplement to Form I-924  
Kentucky Regional Center, LLC dba Midwest EB-5 Regional Center  
ID1031910178**

**Part 3. Information About the Regional Center**

**2. Identify each industry that has been the focus of EB-5 capital investments sponsored through the Regional Center, and the resulting aggregate EB-5 capital investment and job creation.**

Kentucky Regional Center, LLC doing business as Midwest EB-5 Regional Center (MERC) opts to use the methodology of counting jobs only as I-829 petitions are approved as USCIS allows for Regional Centers.

MERC has no sponsored capital investments in its approved industries in FY 2013.

Industry Category Title: Hotels  
NAICS Code for the Industry Category: 72111  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Other Miscellaneous Store Retailers  
NAICS Code for the Industry Category: 4329  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Condominium managers' offices, residential  
NAICS Code for the Industry Category: 531311  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Lessors of Real Estate  
NAICS Code for the Industry Category: 5311  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Miscellaneous Manufacturing  
NAICS Code for the Industry Category: 339  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Community Care Facilities for the Elderly  
NAICS Code for the Industry Category: 6233

Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Residential Building Construction  
NAICS Code for the Industry Category: 2361  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Commercial and Institutional Building Construction  
NAICS Code for the Industry Category: 23622  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

## STATEMENT OF GARY CHAN

I, Gary Chan, am a Principal of Kentucky Regional Center, doing business as Midwest EB-5 Regional Center ("MERC"). USCIS designated MERC as a Regional Center on April 29, 2010, with an amendment request approved on June 25, 2013.

MERC now timely files its Form 1-924A annual report for the fiscal year starting October 1, 2012 and ending September 30, 2013. The information in this form and all supporting documentation only apply to the 2012 fiscal year as required by the 1-924A instructions.

### **1. Aggregate amount of EB-5 capital invested through MERC**

In FY 2013, the aggregate amount of EB-5 capital investment through MERC was \$0.

### **2. Aggregate number of new direct and/or indirect jobs created through MERC**

New direct and/or indirect jobs are in the process of being created with the EB-5 capital already invested in KRC Fund I, LP. As permitted by USCIS, MERC has adopted the approach of estimating job creation based on the number of I-829 petitions that have been approved. None of MERC's EB-5 investors are able to file I-829 petitions yet, so there are no jobs to report yet.

### **3. The industries that have been the focus of EB-5 capital investments sponsored through MERC and resulting aggregate EB-5 capital and job creation in fiscal year 2012**

MERC has no sponsored capital investments in its approved industries in FY 2013.

### **4. Name, addresses, and industry category titles of each job creating commercial enterprise located within MERC's geographic scope that has received EB-5 capital**

MERC currently has no job-creating commercial enterprises located within its geographic scope that have received EB-5 capital in FY2013.

**5. Job Creating Businesses**

MERC currently has no job-creating businesses that have received capital investments in FY 2013.

**6. Total number of approved, denied, and revoked 1-526 petitions**

In the FY 2013 none of MERC's investors' I-526 petitions had been approved yet.

**7. Total number of approved, denied, and revoked 1-829 petitions**

MERC had no 1-829 petitions filed during FY 2013. Therefore, no 1-829 petitions were revoked or denied.

Sincerely,



Gary Chan  
Principal  
Kentucky Regional Center, dba  
Midwest EB-5 Regional Center



**U.S. Citizenship  
and Immigration  
Services**

Date: JUN 25 2013

Terry Chan  
C/O Kentucky Regional Center, LLC  
7000 Houston Road, Suite 3  
Florence, KY 41042

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

Applicant: Terry Chan

Re: Request to Amend Regional Center Designation  
Kentucky Regional Center, LLC  
RCW1034150052 / ID 1031910178

This notice is in reference to the proposal that was filed by the applicant with the U.S. Citizenship and Immigration Services ("USCIS") on November 22, 2010. The proposal was filed to request approval of an amendment to a previously approved 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).

**I. Executive Summary of Adjudication**

- A. Effective the date of this notice, USCIS approves the additional industry categories listed in Section III of this notice.

**II. Procedural History**

On April 29, 2010, USCIS approved Kentucky Regional Center, LLC for participation in the Immigrant Investor Program as a designated regional center. Based on the initial designation, Kentucky Regional Center, LLC obtained approval for the following geographic area and industry categories:

Name of State	Counties
Kentucky	Campbell, Kenton and Boone

Ohio	Hamilton, Butler, Clermont and Warren
------	---------------------------------------

NAICS	Industry Category
72111	Hotels
72211	Restaurants
4239	Other Miscellaneous Store Retailers
531311	Condominium managers' offices, residential
5311	Lessors of Real Estate
339	Miscellaneous Manufacturing
6233	Community Care Facilities for the Elderly

Capital Investment Project: Manhattan Harbour Project			
Project	Type of Project	Organization Documents	Date of Document
MH Entertainment I Regional Center Partnership, Ltd.	Exemplar Form I-526 Petition Project	Limited Partnership Agreement	Dated 04/06/2010
		Subscription Agreement	Dated 04/06/2010
		Operating Agreement	Dated 04/06/2010
		Escrow Agreement	Dated 04/06/2010
Approved on: 04/29/2010			
Geographic Location: Campbell County, Kentucky			
Focus of Investment: loan			

**III. Amendment Request<sup>1</sup>**

Effective the date of this notice, USCIS approves the applicant's amendment request to incorporate the following changes:

**A. Industry Categories**

USCIS approves the applicant's amendment request to include the following industry categories:

<sup>1</sup> USCIS issued a Policy Memorandum (PM-602-0083) on the subject of "EB-5 Adjudication Policy," dated May 30, 2013, stating that formal amendments to the regional center designation are no longer required when a regional center changes its industries of focus or geographic boundaries. A regional center may still elect to pursue a formal amendment by filing Form I-924 if it seeks certainty in advance that changes in the industries or the geographic area will be permissible prior to filing Form I-526 petitions.

NAICS	Industry Name
2361	Residential Building Construction
23622	Commercial and Institutional Building Construction
722513	Limited-Services Restaurants
722511	Full-Services Restaurants

#### **IV. Job Creation**

The amendment request did not involve changes in job creation because the approval of the industry categories was based upon the regional center initial proposal including the supporting business plan and the economic impact analysis.

When filing Form I-526, it will be the responsibility of the individual investor to submit a comprehensive, detailed and credible business plan, showing by a preponderance of the evidence that his or her investment in the new commercial enterprise will create not fewer than 10 full-time positions. If prior to filing a form I-829, the job creation estimated in the business plan submitted by the individual investor materially changes or will not be realized, then it will be the responsibility of the EB-5 investor to notify USCIS of an agreed upon methodology to allocate job creation among eligible investors.

#### **V. Guidelines for Filing Form I-526 Petitions**

Each individual petition, in order to demonstrate that it is affiliated with the Kentucky 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.

#### **VI. 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).

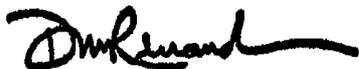
Regional centers that remain designated for participation in the Immigrant Investor Program as of September 30th of a calendar year are required to file Form I-924A Supplement in that year. The Form I-924A Supplement with the required supporting documentation must be filed on or before December 29th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



Daniel M. Renaud  
Acting Chief, Immigrant Investor Program

cc: Martin J. Lawler, Esq.

Align top of FedEx Express® shipping label here.

ORIGIN ID: OXDA (513) 258-2216  
GARY CHAN  
OFFICEMAX OMKO239  
9662 KENWOOD ROAD

SHIP DATE: 27DEC13  
ACTWGT: 0.2 LB  
CAD: 6014056/FSSR1320

CINCINNATI, OH 45242  
UNITED STATES US

BILL SENDER

TO US CITIZENSHIP & IMMIGRATION SERVICES  
CA SERV CNTR ATN: EB5 PROCESSING UN  
24000 AVILA RD FL 2

AM DEC 30 2013

LAGUNA NIGUEL CA 92677 STAMP #216

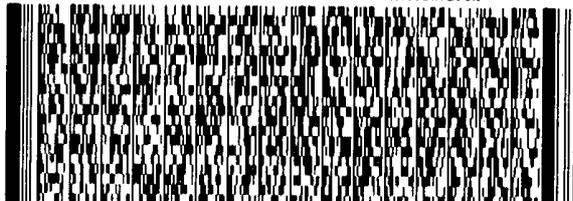
(513) 258-2216

REF:

SKU:

PO:

DEPT:



FedEx  
Express



MON - 30 DEC 10:30A

TRK# 7975 1655 6170  
0201

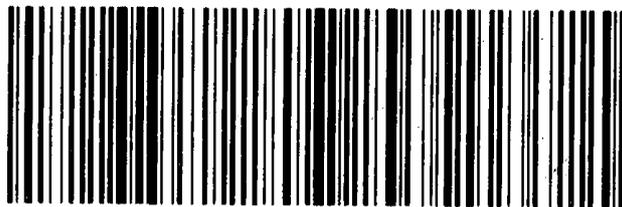
PRIORITY OVERNIGHT

**XH JORA**

92677

CA-US SNA

Part # 156297-435 RIT2 10/13



Align bottom of peel and stick airbill here.

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ing



DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
09/03/2010	201024500685	REGISTRATION OF FOREIGN LIMITED LIABILITY CO (LFA)	125.00	.00		.00	.00

**Receipt**

This is not a bill. Please do not remit payment.

MIDWEST EB-5 REGIONAL CENTER  
 25 TOWN CENTER BLVD  
 SUITE 104  
 CRESTVIEW HILLS, KY 41017

# STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jennifer Brunner

1960651

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**KENTUCKY REGIONAL CENTER, LLC**

and, that said business records show the filing and recording of:

Document(s):

**REGISTRATION OF FOREIGN LIMITED LIABILITY CO**

Document No(s):

**201024500685**



United States of America  
 State of Ohio  
 Office of the Secretary of State

Witness my hand and the seal of the  
 Secretary of State at Columbus,  
 Ohio this 1st day of September, A.D.  
 2010.

Ohio Secretary of State



Prescribed by: The Ohio Secretary of State  
Central Ohio: (614) 466-3910  
Toll Free: 1-877-SOS-FILE (1-877-767-3453)

www.sos.state.oh.us  
e-mail: busserv@sos.state.oh.us

Expedite this Form: (Select One)	
<input type="radio"/> Expedite	PO Box 1390 Columbus, OH 43216
*** Requires an additional fee of \$100***	
<input checked="" type="radio"/> Non Expedite	PO Box 670 Columbus, OH 43216

RECEIVED

SEP 01 2010

SECRETARY OF STATE

**REGISTRATION OF A FOREIGN LIMITED LIABILITY COMPANY**

Filing Fee \$125.00

THE UNDERSIGNED DESIRING TO FILE A:

**(CHECK ONLY ONE (1) BOX)**

<input checked="" type="checkbox"/> (1) Registration of a Foreign For-Profit Limited Liability Company (106-LFA) ORC 1705  State of Organization <u>Kentucky</u>  Date of Formation <u>26-Mar-10</u>	<input type="checkbox"/> (2) Registration of a Foreign Nonprofit Limited Liability Company (106-LFA) ORC 1705  State of Organization _____  Date of Formation _____
--	---

Name of limited liability company in its state of organization: Kentucky Regional Center, LLC

Name under which the foreign limited liability company desires to transact business in Ohio (if different from its home-state name) is:  
Kentucky Regional Center, LLC (also dba Midwest EB-5 Regional Center)  
Name must include one of the following words or abbreviations: "limited liability company," "limited," "LLC," "L.L.C.," "ltd.," or "ltd"

Check here if additional provisions are attached

The address to which interested persons may direct requests for copies of the limited liability company's operating agreement, bylaws, or other charter documents of the company is:

Paul J. Darpel, Registered Agent  
Name

25 Town Center Blvd., Suite 104  
Street Address / P.O. Box Address

Crestview Hills Kentucky 41017  
City State Zip code

The limited liability company hereby appoints the following as its agent upon whom process against the limited liability company may be served in the state of Ohio. The name and complete address of the agent is:

Name James A Matre

Mailing Address 11800 Conray Rd

City Cincinnati State Ohio Zip Code 45249

If the agent is an individual and using a P.O. Box, check this box to certify the agent is a resident of the state of Ohio.

The limited liability company irrevocably consents to service of process on the agent listed above as long as the authority of the agent continues, and to service of process upon the OHIO SECRETARY OF STATE if:

- a. an agent is not appointed, or
- b. an agent is appointed but the authority of that agent has been revoked, or
- c. the agent cannot be found or served after the exercise of reasonable diligence.

**REQUIRED**

Articles and original appointment of agent must be (signed) by a member, manager or other representative.

Yi, LLC  
 By: *Paul Gallenstein* 8/24/10  
 Signature Date

Yi, LLC is a member of Kentucky Regional Center, LLC  
Paul Gallenstein is member of Yi, LLC  
 Print Name

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_



DATE	DOCUMENT ID	DESCRIPTION	FLING	EXPED	PENALTY	CERT	COPY
10/12/2011	201128500221	TRADE NAME/ORIGINAL FILING (RNO)	50.00	300.00		.00	.00

**Receipt**

This is not a bill. Please do not remit payment.

THOMPSON HINE LLP  
 ATTN: CAROL R. RUSSELL  
 41 S. HIGH ST., #1700  
 COLUMBUS, OH 43215

# STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jon Husted

2052989

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**MIDWESTEBS REGIONAL CENTER**

and, that said business records show the filing and recording of:

Document(s):

Document No(s):

**TRADE NAME/ORIGINAL FILING**

**201128500221**

Date of First Use: 10/03/2011  
 Expiration Date: 10/12/2016

KRC FUND I, L.P.  
 2618 VINE STREET  
 CINCINNATI, OH 45219



United States of America  
 State of Ohio  
 Office of the Secretary of State

Witness my hand and the seal of the  
 Secretary of State at Columbus,  
 Ohio this 12th day of October, A.D.  
 2011.

Ohio Secretary of State



Form 534A Prescribed by the:  
Ohio Secretary of State

Central Ohio: (614) 466-3610  
Toll Free: (877) SOS-FILE (787-3453)

www.sos.state.oh.us  
Busserv@sos.state.oh.us

Expedite this form: (select one)  
Mail form to one of the following:

- Expedite PO Box 1390  
Columbus, OH 43216
  - Non Expedite PO Box 670  
Columbus, OH 43216
- Requires an additional fee of \$100 ---

**NAME REGISTRATION**  
Filing Fee \$50

(CHECK ONLY ONE (1) BOX)

<input checked="" type="checkbox"/> Trade Name (167-RNO)  Date of first use: <u>10/03/2011</u>	<input type="checkbox"/> Fictitious Name (169-NFO)
---	---

Name being registered or reported: MidwestEB5 Regional Center

Name of the Registrant: KRC Fund I, L.P.

NOTE: If the registrant is a foreign corporation licensed in Ohio under an assumed name, provide the assumed name and the name as registered in its jurisdiction of formation.

The Registrant is a(n): (Check only one (1) box)

- Individual
- Partnership  
Registration #, if any \_\_\_\_\_
- Limited Partnership  
Registration # 1961568  
If foreign, Jurisdiction of Formation \_\_\_\_\_
- Limited Liability Partnership  
Registration # \_\_\_\_\_  
If foreign, Jurisdiction of Formation \_\_\_\_\_
- Limited Liability Company  
Registration # \_\_\_\_\_  
If foreign, Jurisdiction of Formation \_\_\_\_\_
- Ohio Corporation  
Charter # \_\_\_\_\_
- Foreign Corporation  
Ohio license # \_\_\_\_\_  
Jurisdiction of Formation \_\_\_\_\_
- Unincorporated Association
- Professional Association
- Other

CLIENT SERVICE CENTER  
2011 OCT 12 AM 10:00  
STATE OF OHIO

**All registrants must complete the information in this section**

Business address: 2618 Vine Street  
 Mailing Address  
Cincinnati OH 45219  
 City State Zip Code

The general nature of the business conducted by the registrant:  
Real Estate and Economic Development

**Complete the information in this section if registrant is a partnership not registered in Ohio**

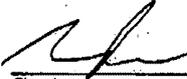
Provide the name and address of at least one general partner:

Name	Address
_____	_____
_____	_____
_____	_____

NOTE: Pursuant to OAG 89-081, if a general partner is a foreign corporation, it must be licensed to transact business in Ohio; if a general partner is a foreign corporation licensed in Ohio under an assumed name, please provide the assumed name and the name as registered in its jurisdiction of formation.

**By signing and submitting this form to the Ohio Secretary of State, the undersigned hereby certifies that he or she has the requisite authority to execute this document.**

**REQUIRED**  
 Must be authenticated (signed) by the registrant or an authorized representative

	<u>10/11/2011</u>
Signature	Date
<u>TERRY CHAN, Principal</u>	
Print Name	
_____ Signature	_____ Date
_____ Print Name	

All registrants must complete the information in this section

Business address: 2618 Vine Street  
 Mailing Address  
Cincinnati                      OH                      45219  
 City                                      State                      Zip Code

The general nature of the business conducted by the registrant:  
Real Estate and Economic Development

Complete the information in this section if registrant is a partnership not registered in Ohio

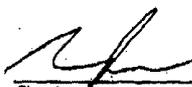
Provide the name and address of at least one general partner:

Name	Address
_____	_____
_____	_____
_____	_____

NOTE: Pursuant to OAG 69-081, if a general partner is a foreign corporation, it must be licensed to transact business in Ohio; if a general partner is a foreign corporation licensed in Ohio under an assumed name, please provide the assumed name and the name as registered in its jurisdiction of formation.

By signing and submitting this form to the Ohio Secretary of State, the undersigned hereby certifies that he or she has the requisite authority to execute this document.

REQUIRED  
Must be authenticated  
(signed) by the registrant or  
an authorized  
representative

  
 Signature  
TERRY CHAN, Principal  
 Print Name

10/11/2011  
Date

\_\_\_\_\_  
 Signature  
 \_\_\_\_\_  
 Print Name

Date



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
10/12/2010	201028500053	ARTICLES OF ORGNZTN/DOM. PROFIT LIM.LIAB. CO. (LCP)	125.00	.00		.00	.00

**Receipt**

This is not a bill. Please do not remit payment.

THOMPSON HINE LLP  
 127 PUBLIC SQUARE  
 ATTN: EILEEN M. GRESSOCK  
 CLEVELAND, OH 44114

# STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jennifer Brunner

1968307

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

SV ARX, LLC

and, that said business records show the filing and recording of:

Document(s)

ARTICLES OF ORGNZTN/DOM. PROFIT LIM.LIAB. CO.

Document No(s):

201028500053



United States of America  
 State of Ohio  
 Office of the Secretary of State

Witness my hand and the seal of  
 the Secretary of State at Columbus,  
 Ohio this 6th day of October, A.D.  
 2010.

Ohio Secretary of State



Form 533A Prescribed by the: Ohio Secretary of State

Central Ohio: (614) 466-3910  
Toll Free: (877) SOS-FILE (767-3453)

www.sos.state.oh.us  
Busserv@sos.state.oh.us

**Expedite this form: (select one)**  
 Mail form to one of the following:

Expedite PO Box 1390  
Columbus, OH 43216  
 \*\*\* Requires an additional fee of \$100 \*\*\*

Non Expedite PO Box 670  
Columbus, OH 43216

**ARTICLES OF ORGANIZATION FOR A DOMESTIC LIMITED LIABILITY COMPANY**  
Filing Fee: \$125.00

(CHECK ONLY ONE (1) BOX)

<input checked="" type="checkbox"/> (1) Articles of Organization for Domestic For-Profit Limited Liability Company (115-LCA) ORC 1705	<input type="checkbox"/> (2) Articles of Organization for Domestic Nonprofit Limited Liability Company (115-LCA) ORC 1705
---	---

2010 OCT - 6 PM 12:59  
CLEVELAND REGIONAL OFFICE  
RECEIVED

Name of limited liability company

SV ARX, LLC

Name must include one of the following words or abbreviations: "limited liability company," "limited," "LLC," "L.L.C.," "ltd.," or "ltd"

Effective Date (Optional) mm/dd/yyyy (The legal existence of the limited liability company begins upon the filing of the articles or on a later date specified that is not more than ninety days after filing)

This limited liability company shall exist for (Optional) \_\_\_\_\_ Period of Existence

Purpose (Optional)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Check here if additional provisions are attached

**ORIGINAL APPOINTMENT OF AGENT**

The undersigned authorized member(s), manager(s) or representative(s) of

SV ARX, LLC

Name of Limited Liability Company

hereby appoint the following to be Statutory Agent upon whom any process, notice or demand required or permitted by statute to be served upon the limited liability company may be served. The name and address of the agent is

C T Corporation System

Name of Agent

1300 East 9th Street

Mailing Address

Cleveland

City

Ohio

State

44114

Zip Code

If the agent is an individual and using a P.O. Box, check this box to certify the agent is an Ohio resident.

**ACCEPTANCE OF APPOINTMENT**

The undersigned, named herein as the statutory agent for

SV ARX, LLC

Name of Limited Liability Company

hereby acknowledges and accepts the appointment of agent for said limited liability company

C T Corporation System

*Joyce Gilbert*

Joyce Gilbert, Asst. Secretary

Agent's Signature

By signing and submitting this form to the Ohio Secretary of State, the undersigned hereby certifies that he or she has the requisite authority to execute this document on behalf of the limited liability company identified above.

**REQUIRED**

Articles and original appointment of agent must be authenticated (signed) by a member, manager or other representative.

  
\_\_\_\_\_  
Signature

10/1/2010  
\_\_\_\_\_  
Date

Terry Chan  
\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

(See Instructions Below)

# COPY

RECEIPT NUMBER RCW1300251014	CASE TYPE I924A Supplement to Form I-924
RECEIVED DATE December 31, 2012	APPLICANT CHAN, GARY K
NOTICE DATE January 02, 2013	PAGE 1 of 1
KENTUCKY REGIONAL CENTER LLC D/B/A MIDWEST EB.5 REGIONAL CENTER 1021 DELTA AVE CINCINNATI OH 45208	NOTICE TYPE: Receipt Notice

**Receipt Notice** - This notice confirms that USCIS received your application or petition as shown above. Please reference the receipt number, above, on any correspondence with USCIS. If any of the above information is incorrect, please immediately contact us at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov) to let us know. This will help avoid future problems.

This notice does not grant any immigration status or benefit. It is not even evidence that this case is still pending. It only shows that the application or petition was filed on the date shown.

**Processing time** - Processing times vary by kind of case. You can check our website at [www.uscis.gov](http://www.uscis.gov) for our current processing times for this kind of case at the particular office to which this case is or becomes assigned. If you do not receive an initial decision or update from us within our current processing time, email us at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov). Save this notice, and any other notice we send you about this case, and please make and keep a copy of any papers you send us by any means along with any proof of delivery to us. Please have all these papers with you if you contact us about this case.

**If your address changes** - If your mailing address changes while your case is pending, notify us at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov); otherwise you may not receive notice of our action on this case.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC  
CALIFORNIA SERVICE CENTER  
P.O. BOX 30111  
LAGUNA NIGUEL CA 92607-0111  
Customer Service Telephone: (800) 375-5283



Department of Homeland Security  
U.S. Citizenship and Immigration Services

**Form I-924A,  
Supplement to Form I-924**

**Part 1. Information About Principal of the Regional Center**

Name: Last Chan	First Gary	Middle K
--------------------	---------------	-------------

In Care Of:

Street Address/P.O. Box: 1021 Delta Avenue

City: Cincinnati (b)(6)	State: OH	Zip Code: 45208
-------------------------	-----------	-----------------

Date of Birth (mm/dd/yyyy)	Fax Number (include area code): (513) 258-0871	Telephone Number (include area code): (513) 258-2216
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Web site address: <http://www.midwesteb5.com>

USCIS-assigned number for the Designated Regional Center (attach the Regional Center's most recently issued approval notice) ID1031910178

**Part 2. Application Type (Check one)**

- a. Supplement for the Fiscal Year Ending September 30, 2012 (YYYY)
- b. Supplement for a Series of Fiscal Years Beginning on October 1, \_\_\_\_\_ (YYYY) and Ending on September 30, \_\_\_\_\_ (YYYY)

**Part 3. Information About the Regional Center**

(Use a continuation sheet, if needed, to provide information for additional management companies/agencies, regional center principals, agents, individuals, or entities who are or will be involved in the management, oversight, and administration of the regional center.)

A. Name of Regional Center: Kentucky Regional Center, LLC d/b/a Midwest EB-5 Regional Center

Street Address/P.O. Box: 1021 Delta Avenue

City: Cincinnati	State: OH	Zip Code: 45208
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Web site Address: <a href="http://www.midwesteb5.com">http://www.midwesteb5.com</a>	Fax Number (include area code): (513) 258-0871	Telephone (include area code): (513) 258-2216
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B. Name of Managing Company/Agency: TAG Kentucky, LLC

Street Address/P.O. Box: 1021 Delta Avenue

City: Cincinnati	State: OH	Zip Code: 45208
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Web site Address:	Fax Number (include area code): (513) 258-0871	Telephone (include area code): (513) 258-2216
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C. Name of Other Agent:

Street Address/P.O. Box:

City:	State:	Zip Code:
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Web site Address:	Fax Number (include area code):	Telephone (include area code):
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Form I-924A (11/23/10)

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**Part 3. Information About the Regional Center (Continued)**

Answer the following questions for the time period identified in **Part 2** of this form. **Note:** If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and provide the response.

1. Identify the aggregate EB-5 capital investment and job creation has been the focus of EB-5 capital investments sponsored through the regional center. (**Note:** Separately identify jobs maintained through investments in "troubled businesses.")

Aggregate EB-5 Capital Investment	Aggregate Direct and Indirect Job Creation	Aggregate Jobs Maintained
(b)(4)	No I-829 petitions filed yet	0

2. Identify each industry that has been the focus of EB-5 capital investments sponsored through the Regional Center, and the resulting aggregate EB-5 capital investment and job creation. (**Note:** Separately identify jobs maintained through investments in "troubled businesses".)

a. Industry Category Title: Restaurants		NAICS Code for the Industry Category 7 2 2 1 1 0
Aggregate EB-5 Capital Investment: (b)(4)	Aggregate Direct and Indirect Job Creation: No I-829 petitions filed yet	Aggregate Jobs Maintained: N/A
b. Industry Category Title: Healthcare, Tech & Life Sciences R&D		NAICS Code for the Industry Category 5 4 1 7
Aggregate EB-5 Capital Investment: (b)(4)	Aggregate Direct and Indirect Job Creation: No I-829 petitions filed yet	Aggregate Jobs Maintained: 0
c. Industry Category Title: See addendum		NAICS Code for the Industry Category _____
Aggregate EB-5 Capital Investment: 0	Aggregate Direct and Indirect Job Creation: 0	Aggregate Jobs Maintained: 0

3. Provide the following information for each job creating commercial enterprise located within the geographic scope of your regional center that has received EB-5 investor capital:

a. Name of Commercial Enterprise: KRC Fund I, L.P.		Industry Category Title: Restaurants; HC, Tech & Life Sciences R&D	
Address (Street Number and Name): 1021 Delta Avenue	City: Cincinnati	State: OH	Zip Code: 45208
Aggregate EB-5 Capital Investment: (b)(4)	Aggregate Direct and Indirect Job Creation: No I-829 petitions filed yet	Aggregate Jobs Maintained: N/A	
Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			



**Part 3. Information About the Regional Center (Continued)**

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

<b>(1) Business Name:</b> SVARX, LLC		<b>Industry Category Title:</b> Restaurants	
<b>Address (Street Number and Name):</b> 2618 Vine Street	<b>City:</b> Cincinnati	<b>State:</b> OH	<b>Zip Code:</b> 45219
<b>EB-5 Capital Investment:</b> [Redacted] (b)(4)	<b>Direct and Indirect Job Creation:</b> No I-829 petitions filed yet	<b>Jobs Maintained:</b> N/A	
<b>(2) Business Name</b> Zipscene, LLC		<b>Industry Category Title:</b> Healthcare, Tech & Life Sciences R&D	
<b>Address (Street Number and Name):</b> 2718 Vine Street	<b>City:</b> Cincinnati	<b>State:</b> OH	<b>Zip Code:</b> 45219
<b>EB-5 Capital Investment:</b> [Redacted] (b)(4)	<b>Direct and Indirect Job Creation:</b> No I-829 petitions filed yet	<b>Jobs Maintained:</b> N/A	

<b>b. Name of Commercial Enterprise:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>Aggregate EB-5 Capital Investment:</b>	<b>Aggregate Direct and Indirect Job Creation:</b>	<b>Aggregate Jobs Maintained:</b>	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

<b>(1) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment</b>	<b>Direct and Indirect Job Creation</b>	<b>Jobs Maintained</b>	



**Part 3. Information About the Regional Center (Continued)**

<b>(2) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment:</b>	<b>Direct and Indirect Job Creation:</b>	<b>Jobs Maintained:</b>	

<b>c. Name of Commercial Enterprise:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>Aggregate EB-5 Capital Investment:</b>	<b>Aggregate Direct and Indirect Job Creation:</b>	<b>Aggregate Jobs Maintained:</b>	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

<b>(1) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment:</b>	<b>Direct and Indirect Job Creation:</b>	<b>Jobs Maintained:</b>	

<b>(2) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment:</b>	<b>Direct and Indirect Job Creation:</b>	<b>Jobs Maintained:</b>	



**Part 3. Information About the Regional Center (Continued)**

d. Name of Commercial Enterprise: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	
Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.			
(1) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	
(2) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	
e. Name of Commercial Enterprise: N/A		Industry Category Title:	
Address Street Number and Name:	City:	State:	Zip Code:
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	
Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes? <input type="checkbox"/> No <input type="checkbox"/> Yes			



**Part 3. Information About the Regional Center (Continued)**

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

(1) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	
(2) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

4. Provide the total number of approved, denied and revoked Form I-526 petitions filed by EB-5 investors making capital investments sponsored by the regional center. (Note: If an adverse action was ultimately reversed and the petition was approved, then note the case as approved.)

Form I-526 Petition Final Case Actions		
Approved	Denied	Revoked
0	0	0

5. Provide the total number of approved, denied and revoked Form I-829 petitions filed by EB-5 investors making capital investments sponsored by the regional center. (Note: If an adverse action was ultimately reversed and the petition was approved, then note the case as approved.)

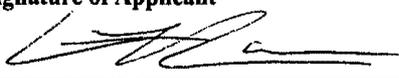
Form I-829 Petition Final Case Actions		
Approved	Denied	Revoked
0	0	0

**NOTE:** USCIS may require case-specific data relating to individual EB-5 petitions and the job creation determination and further information regarding the allocation methodologies utilized by a regional center in certain instances in order to verify the aggregate data provided above.



**Part 4. Applicant Signature** *Read the information on penalties in the instructions before completing this section. If someone helped you prepare this petition, he or she must complete Part 5.*

I certify, under penalty of perjury under the laws of the United States of America, that this supplemental form and the evidence submitted with it are all true and correct. I authorize the release of any information from my records that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit being sought. I also certify that I have authority to act on behalf of the Regional Center.

<b>Signature of Applicant</b> 	<b>Printed Name of Applicant</b> Gary Chan	<b>Date (mm/dd/yyyy)</b> 12/28/2012
<b>Daytime Phone Number</b> <i>(Area/Country Codes)</i> (513) 258-2216	<b>E-Mail Address</b> gary.chan@midwesteb5.com	
<b>Relationship to the Regional Center Entity (Managing Member, President, CEO, etc.)</b> Managing Principal		

**Part 5. Signature of Person Preparing This Form, If Other Than Above (Sign Below)**

I declare that I prepared this form using information provided by someone with authority to act on behalf of the Regional Center, and the answers and information are those provided by the Regional Center.

**Attorney or Representative:** In the event of a Request for Evidence (RFE), may the USCIS contact you by Fax or E-mail?

No  Yes

<b>Signature of Preparer</b>	<b>Printed Name of Preparer</b>	<b>Date (mm/dd/yyyy)</b>
<b>Firm Name and Address</b>		
<b>Daytime Phone Number</b> <i>(Area/Country Codes)</i>	<b>Fax Number (Area/Country Codes)</b>	<b>E-Mail Address</b>



**Form I-924A, Supplement to Form I-924  
Kentucky Regional Center, LLC dba Midwest EB-5 Regional Center  
ID1031910178**

**Part 3. Information About the Regional Center**

**2. Identify each industry that has been the focus of EB-5 capital investments sponsored through the Regional Center, and the resulting aggregate EB-5 capital investment and job creation.**

Kentucky Regional Center, LLC doing business as Midwest EB-5 Regional Center (MERC) opts to use the methodology of counting jobs only as I-829 petitions are approved as USCIS allows for Regional Centers.

MERC is also seeking an addition of Construction as an industry, which was erroneously omitted in the most recent RFE listing approved industry codes. Also incorrectly listed in the RFE was the restaurant NAICS, which according to the initial project submission should include NAICS codes 7223, 7224 and 7225 (by 2012 NAICS codes) or 722, 7221, 7222, 7223 and 7224 (by 2007 NAICS codes).

(b)(4) [redacted] of the EB-5 capital has been expended in the planning, design and renovation of multiple full-service restaurants, which are currently under construction.

[redacted] of the EB-5 capital has been expended in a Healthcare, Technology, and Life Sciences Research & Development company.

Industry Category Title: Hotels  
NAICS Code for the Industry Category: 72111  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Retail Stores  
NAICS Code for the Industry Category: 4539  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Condominiums/Apartments  
NAICS Code for the Industry Category:  
• 53131 Condominiums  
• 5311 Apartments  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Office Buildings

NAICS Code for the Industry Category: 5311  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Light Industrial/Warehouse  
NAICS Code for the Industry Category: 339  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Continuing Care Retirement Communities  
NAICS Code for the Industry Category: 623311  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Mixed Use: Retail Store, Condominiums and Apartments  
NAICS Code for the Industry Category: Mixed Use

- 4539 Retail Store,
- 53131 Condominiums, and
- 5311 Apartments

Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Mixed Use; Office Buildings and Retail Stores  
NAICS Code for the Industry Category: Mixed Use

- 5311 Office Buildings and
- 4539 Retail Stores

Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

**STATEMENT OF GARY CHAN**

I, Gary Chan, am a Principal of Kentucky Regional Center, doing business as Midwest EB-5 Regional Center ("MERC"). USCIS designated MERC as a Regional Center on April 29, 2010.

MERC now timely files its Form 1-924A annual report for the fiscal year starting October 1, 2011 and ending September 30, 2012. The information in this form and all supporting documentation only apply to the 2012 fiscal year as required by the 1-924A instructions.

**1. Aggregate amount of EB-5 capital invested through MERC**

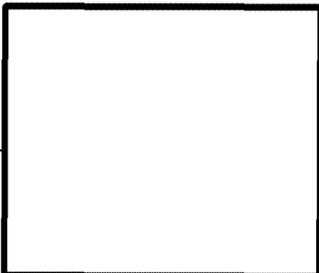
In FY 2012, the aggregate amount of EB-5 capital investment through MERC was \$5 million.

**2. Aggregate number of new direct and/or indirect jobs created through MERC**

New direct and/or indirect jobs are in the process of being created with the EB-5 capital already invested in KRC Fund I, LP. As permitted by USCIS, MERC has adopted the approach of estimating job creation based on the number of I-829 petitions that have been approved. None of MERC's EB-5 investors are able to file I-829 petitions yet, so there are no jobs to report yet.

**3. The industries that have been the focus of EB-5 capital investments sponsored through MERC and resulting aggregate EB-5 capital and job creation in fiscal year 2012**

MERC has sponsored capital investments in its approved industries as follows:

	Restaurants	722110
	Healthcare, Technology, and Life Sciences	5417

(b)(4)

	Research & Development	
--	------------------------	--

**4. Name, addresses, and industry category titles of each job creating commercial enterprise located within MERC's geographic scope that has received EB-5 capital**

MERC currently has one job-creating commercial enterprise located within its geographic scope that has received EB-5 capital. This commercial enterprise is KRC Fund I, located at 1021 Delta Avenue, Cincinnati OH 45208. It funds job-creating activities in the industry categories of Restaurants and Healthcare, Technology, and Life Sciences Research & Development.

**5. Job Creating Businesses**

KRC Fund I, LP has channeled EB-5 capital to two job-creating businesses pursuant to its comprehensive business plan: SV ARX, LLC and Zipscene, LLC. SV ARX, LLC has received [redacted] Zipscene has received [redacted]

(b)(4)

**6. Total number of approved, denied, and revoked 1-526 petitions**

In the FY 2012 none of MERC's investors' I-526 petitions had been approved yet.

**7. Total number of approved, denied, and revoked 1-829 petitions**

MERC had no 1-829 petitions filed during FY 2012. Therefore, no 1-829 petitions were revoked or denied.

Sincerely,



Gary Chan  
Principal  
Kentucky Regional Center, dba  
Midwest EB-5 Regional Center, LLC



**U.S. Citizenship  
and Immigration  
Services**

April 29, 2010

Andrew Moffe  
Kentucky Regional Center, LLC  
7000 Houston Road, Suite 3  
Florence, Kentucky 41042

Application: Request for Designation as a Regional Center  
Applicant(s): Andrew Moffe

Re: Kentucky Regional Center, LLC  
W09000990

Pursuant to Section 610 of the Appropriations Act of 1993, on September 29, 2009, Andrew Moffe submitted a proposal seeking approval and designation by U.S. Citizenship and Immigration Services (USCIS) of the Kentucky Regional Center, LLC.

Based on its review and analysis of your proposal, and of your response to the USCIS Request For Evidence, USCIS hereby designates Kentucky Regional Center, LLC as a Regional Center within the Immigrant Investor Pilot Program and approves the request as described below:

**GEOGRAPHIC AREA:**

The Kentucky Regional Center, LLC shall have a geographic scope which includes the Kentucky counties of Campbell, Kenton and Boone and the Ohio counties of Hamilton, Butler, Clermont and Warren.

**FOCUS OF INVESTMENT ACTIVITY:**

As depicted in the economic model, the general proposal and the economic analysis, the Regional Center will engage in the following economic activities: develop, construct, own, manage and operate an entertainment district composed of retail, commercial and entertainment businesses, including but not limited to restaurants, bars, eateries and any other venues for entertainment or recreation.

The Regional Center for EB-5 Immigrant purposes shall focus investments into new commercial enterprises in the following nine (9) target industry economic clusters:

1. Hotels
2. Restaurants

3. Retail Stores
4. Condominiums/Apartments
5. Office Buildings
6. Light Industrial/Warehouse
7. Continuing Care Retirement Communities
8. Mixed Use: Retail Store, Condominiums and Apartments
9. Mixed Use: Office Buildings and Retail Stores

If any investment opportunities arise that are beyond the scope of the approved industry clusters, then an amendment would be required to add that cluster.

The geographic focus of this area may contain some High Unemployment Targeted Employment Areas (TEAs) as designated by the State of Kentucky or the State of Ohio and rural TEAs, as defined in 8 CFR 204.6(e). Therefore, the minimum capital investment threshold for any individual immigrant investment into an approved commercial enterprise throughout the Regional Center shall be not less than \$500,000, if the investment target is located within a TEA or \$1,000,000 if it is located outside of a TEA. No debt arrangement will be acceptable unless it is secured by assets owned by the alien entrepreneur. A full capital investment must be made and placed at risk.

For any alien requesting the reduced threshold of \$500,000 based upon an investment in a Targeted Employment area, the alien must establish at the time of filing of the I-526 petition that either the investment will be made in a TEA designated area or was in a TEA designated area at the time of the alien's initial investment into the enterprise.

#### **EMPLOYMENT CREATION**

Immigrant investors who file petitions for commercial enterprises located in the Regional Center area must fulfill all of the requirements set forth in 8 CFR 204.6, except that the petition need not show that the new commercial enterprises created ten new jobs indirectly as a result of the immigrant investor's investment. This determination has been established by way of USCIS' acceptance of the final economic analysis that is contained as part of the approved Regional Center proposal and its indirect job creation model and multipliers contained within the final approved Regional Center application package. Rather, the investor must show at the time of removal of conditions that they performed the activities described in the model and on which the approved methodology is based.

In addition, where job creation or preservation of existing jobs is claimed based on a multiplier rooted in underlying new "direct jobs", the immigrant investor's individual I-526 petition affiliated with your Regional Center, should include as supporting evidence:

- A comprehensive detailed business plan with supporting financial, marketing and related data and analysis providing a reasonable basis for projecting creation of any new direct jobs for "qualifying employees" to be achieved/realized within two years pursuant to 8 CFR 204.6(j)(4)(B).

An alien investor's I-829 petition to remove the conditions which was based on an I-526 petition approval that involved the creation of new direct jobs or the creation of new indirect jobs based on a multiplier tied to underlying new direct jobs needs to be properly supported by evidence of job creation. To support the full number of direct and indirect new jobs being claimed in connection with removal of conditions, the petition will need to be supported by probative evidence of the number of new direct full-time (35 hours per week) jobs for qualified employees whose positions have been created as a result of the alien's investment. Such evidence may include copies of quarterly state employment tax reports, Forms W-2, Forms I-9, and any other pertinent employment records sufficient to demonstrate the number of qualified employees whose jobs were created directly.

**Additional Guidelines for individual Immigrant Investors Visa Petition (I-526)**

Based upon the review of your proposal, the Manhattan Harbour Project (consisting of a mixed-use commercial center that will include a hotel, retail stores, restaurants, residences and office buildings) is approved as a Capital Investment Project for your regional center. To demonstrate that an individual alien investor is associated with this project and your regional center, each alien entrepreneur petition, in conjunction with addressing all the requirements for that petition, shall contain supporting evidence relating to this project and the regional center designation, as follows:

1. A copy of this letter, the Regional Center approval and designation.
2. A copy of the USCIS approved Regional Center narrative proposal and business plan.
3. A copy of the job creation methodology required in 8 CFR 204.6(j)(4)(iii), as contained in the final Regional Center economic analysis which has been approved by USCIS, which reflects that investment by an individual immigrant investor will create not fewer than ten (10) full-time employment positions, either directly or indirectly, per immigrant investor.
4. A legally executed copy of the USCIS approved documents for MH Entertainment I Regional Center Partnership, Kentucky, LLC, YI, LLC and TAG, LLC:
  - a. Limited Partnership Agreement; Samples/Drafts dated April 6, 2010
  - b. Subscription Agreement; Samples/Drafts dated April 6, 2010
  - c. Escrow Agreement; and Samples/Drafts dated April 6, 2010
  - d. Operating Agreement Samples/Drafts dated April 6, 2010

**DESIGNEE'S RESPONSIBILITIES INHERENT IN CONDUCT OF THE REGIONAL CENTER:**

The law, as reflected in the regulations at 8 CFR 204.6(m)(6), requires that an approved Regional Center in order to maintain the validity of its approval and designation must continue to meet the statutory requirements of the Immigrant Investor Pilot Program by serving the purpose of promoting economic growth, including increased export sales (where applicable), improved regional productivity, job creation, and increased domestic capital investment. Therefore, in order for USCIS to determine whether your Regional Center is in compliance with the above cited regulation, and in order to continue to operate as a USCIS approved and designated Regional Center, your administration, oversight, and management of your Regional Center shall be such as to monitor all investment activities under the sponsorship of your Regional Center and to maintain records, data and information on a quarterly basis in order to report to USCIS upon request the following year to date information for each Federal Fiscal Year<sup>1</sup>, commencing with the initial year as follows:

1. Provide the principal authorized official and point of contact of the Regional Center responsible for the normal operation, management and administration of the Regional Center.
2. Be prepared to explain how you are administering the Regional Center and how you will be actively engaged in supporting a due diligence screening of its alien investors' lawful source of capital and the alien investor's ability to fully invest the requisite amount of capital.

<sup>1</sup> A Federal Fiscal Year runs for twelve consecutive months from October 1<sup>st</sup> to September 30<sup>th</sup>

3. Be prepared to explain the following:
  - a. How the Regional Center is actively engaged in the evaluation, oversight and follow up on any proposed commercial activities that will be utilized by alien investors.
  - b. How the Regional Center is actively engaged in the ongoing monitoring, evaluation, oversight and follow up on any investor commercial activity affiliated through the Regional Center that will be utilized by alien investors in order to create direct and/or indirect jobs through qualifying EB-5 capital investments into commercial enterprises within the Regional Center.
4. Be prepared to provide:
  - a. the name, date of birth, petition receipt number, and alien registration number (if one has been assigned by USCIS) of each principal alien investor who has made an investment and has filed an EB-5/I-526 Petition with USCIS, specifying whether:
    - i. the petition was filed,
    - ii. was approved,
    - iii. denied, or
    - iv. withdrawn by the petitioner, together with the date(s) of such event.
  - b. The total number of visas represented in each case for the principal alien investor identified in 4.a. above, plus his/her dependents (spouse and children) for whom immigrant status is sought or has been granted.
  - c. The country of nationality of each alien investor who has made an investment and filed an EB-5/I-526 petition with USCIS.
  - d. The U.S. city and state of residence (or intended residence) of each alien investor who has made an investment and filed an EB-5/I-526 petition with USCIS.
  - e. For each alien investor listed in item 4.a., above, identify the following:
    - i. the date(s) of investment in the commercial enterprise;
    - ii. the amount(s) of investment in the commercial enterprise; and
    - iii. the date(s), nature, and amount(s) of any payment/remuneration/profit/return on investment made to the alien investor by the commercial enterprise and/or Regional Center from when the investment was initiated to the present.
5. Be prepared to identify/list each of the target industry categories of business activity within the geographic boundaries of your Regional Center that have:
  - a. received alien investors' capital, and in what aggregate amounts;
  - b. received non-EB-5 domestic capital that has been combined and invested together, specifying the separate aggregate amounts of the domestic investment capital.

- c. of the total investor capital (alien and domestic) identified above in 5.a and 5.b, identify and list the following:
        - i. The name and address of each "direct" job creating commercial enterprise.
        - ii. The industry category for each indirect job creating investment activity.
6. Be prepared to provide:
  - a. The total aggregate number of approved EB-5 alien investor I-526 petitions per each Federal Fiscal Year to date made through your Regional Center.
  - b. The total aggregate number of approved EB-5 alien investor I-829 petitions per each Federal Fiscal Year to date through your Regional Center.
7. The total aggregate sum of EB-5 alien capital invested through your Regional Center for each Federal Fiscal Year to date since your approval and designation.
8. The combined total aggregate of "new" direct and/or indirect jobs created by EB-5 investors through your Regional Center for each Federal Fiscal Year to date since your approval and designation.
9. If applicable, the total aggregate of "preserved" or saved jobs by EB-5 alien investors into troubled businesses through your Regional Center for each Federal Fiscal Year to date since your approval and designation.
10. If for any given Federal Fiscal Year your Regional Center did or does not have investors to report, then provide:
  - a. a detailed written explanation for the inactivity.
  - b. a specific plan which specifies the budget, timelines, milestones and critical steps to:
    - i. actively promote your Regional Center program,
    - ii. identify and recruit legitimate and viable alien investors, and
    - iii. a strategy to invest into job creating enterprises and/or investment activities within the Regional Center.
11. Regarding your website, if any, please be prepared to provide a hard copy which represents fully what your Regional Center has posted on its website, as well as providing your web address. Additionally, please provide a packet containing all of your Regional Center's hard copy promotional materials such as brochures, flyers, press articles, advertisements, etc.
12. Finally, please be aware that it is incumbent on each USCIS approved and designated Regional Center in order to remain in good standing, to notify the USCIS within 15 business days at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov) of any change of address or occurrence of any material change in:
  - the name and contact information of the responsible official and/or Point of Contact (POC) for the RC
  - the management and administration of the RC,

COPY

RECEIPT NUMBER RCW1435052110	CASE TYPE 1924A Supplement to Form I-924
RECEIVED DATE December 16, 2014	APPLICANT ANGIULLI, MARTIN ANTHONY
NOTICE DATE December 16, 2014	PAGE 1 of 1
ROBERT C DIVINE BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ P C RE: KENTUCKY REGIONAL CENTER LLC DBA MIDWEST EB 5 REGIONAL CENTER 633 CHESTNUT ST STE 1800 CHATTANOOGA TN 37450	NOTICE TYPE: Receipt Notice

**Receipt Notice** - This notice confirms that USCIS received your application or petition as shown above. Please reference the receipt number, above, on any correspondence with USCIS. If any of the above information is incorrect, please immediately contact us at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov) to let us know. This will help avoid future problems.

This notice does not grant any immigration status or benefit. It is not even evidence that this case is still pending. It only shows that the application or petition was filed on the date shown.

**Processing time** - Processing times vary by kind of case. You can check our website at [www.uscis.gov](http://www.uscis.gov) for our current processing times for this kind of case at the particular office to which this case is or becomes assigned. If you do not receive an initial decision or update from us within our current processing time, email us at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov). Save this notice, and any other notice we send you about this case, and please make and keep a copy of any papers you send us by any means along with any proof of delivery to us. Please have all these papers with you if you contact us about this case.

**If your address changes** - If your mailing address changes while you case is pending, notify us at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov), otherwise you may not receive notice of our action on this case.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC  
CALIFORNIA SERVICE CENTER  
P.O. BOX 30111  
LAGUNA NIGUEL CA 92607-0111  
Customer Service Telephone: (800) 375-5283





**Notice of Entry of Appearance  
as Attorney or Accredited Representative**  
Department of Homeland Security

**DHS  
Form G-28**  
OMB No. 1615-0105  
Expires 02/29/2016

**Part 1. Information About Attorney or Accredited Representative**

Name and Address of Attorney or Accredited Representative

1.a. Family Name (Last Name)

1.b. Given Name (First Name)

1.c. Middle Name

2. Name of Law Firm or Recognized Organization

3. Name of Law Student or Law Graduate

4. State Bar Number

5.a. Street Number

5.b. Street Name

5.c. Apt.  Ste.  Flr.

5.d. City or Town

5.e. State  5.f. Zip Code

5.g. Postal Code

5.h. Province

5.i. Country

6. Daytime Phone Number (    )    -

7. E-Mail Address of Attorney or Accredited Representative

**Part 2. Eligibility Information For Attorney or Accredited Representative**

(Check applicable items(s) below)

1.  I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following State(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia.

1.a.

1.b. I (choose one)  am not  am subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. (If you are subject to any order(s), explain fully in the space below.)

1.b.1.

2.  I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals pursuant to 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.

2.a. Name of Recognized Organization

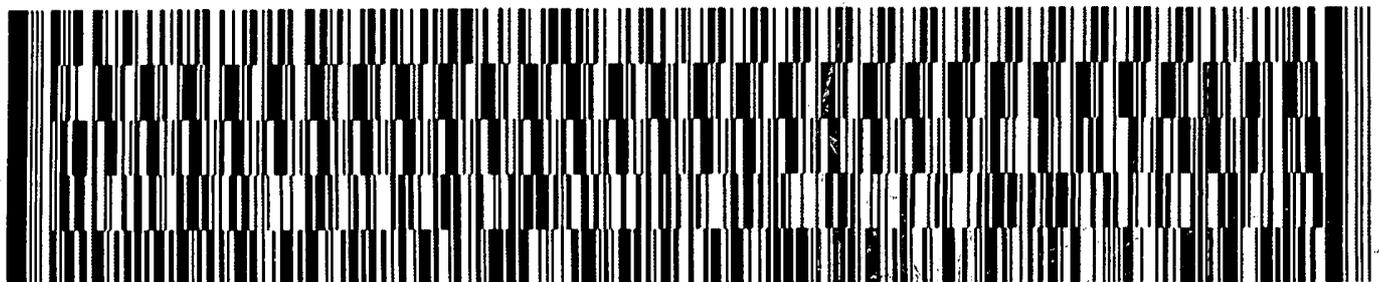
2.b. Date Accreditation expires  
(mm/dd/yyyy) ►

3.  I am associated with

3.a.

the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request. If you check this item, also complete number 1 (1.a. - 1.b.1.) or number 2 (2.a. - 2.b.) in Part 2 (whichever is appropriate).

4.  I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2)(iv).



**Part 3. Notice of Appearance as Attorney or Accredited Representative**

This appearance relates to immigration matters before (select one):

- 1.  USCIS - List the form number(s)  
1.a. I-924A & ongoing Regional Center
- 2.  ICE - List the specific matter in which appearance is entered  
2.a.
- 3.  CBP - List the specific matter in which appearance is entered  
3.a.

I hereby enter my appearance as attorney or accredited representative at the request of:

4. Select only one:  Applicant  Petitioner  
 Respondent (ICE, CBP)

Name of Applicant, Petitioner, or Respondent

- 5.a. Family Name (Last Name) Angiulli
- 5.b. Given Name (First Name) Martin
- 5.c. Middle Name Anthony
- 5.d. Name of Company or Organization, if applicable  
Kentucky Regional Center LLC

**NOTE:** Provide the mailing address of Petitioner, Applicant, or Respondent and not the address of the attorney or accredited representative, except when a safe mailing address is permitted on an application or petition filed with Form G-28.

- 6.a. Street Number and Name 2612 Vine Street
- 6.b. Apt.  Ste.  Flr.
- 6.c. City or Town Cincinnati
- 6.d. State OH 6.e. Zip Code 45129

7. Provide A-Number and/or Receipt Number

RCW1034150052

Pursuant to the Privacy Act of 1974 and DHS policy, I hereby consent to the disclosure to the named Attorney or Accredited Representative of any record pertaining to me that appears in any system of records of USCIS, ICE, or CBP.

- 8.a. Signature of Applicant, Petitioner, or Respondent  
*Martin Angiulli*
- 8.b. Date (mm/dd/yyyy) 12/03/2014

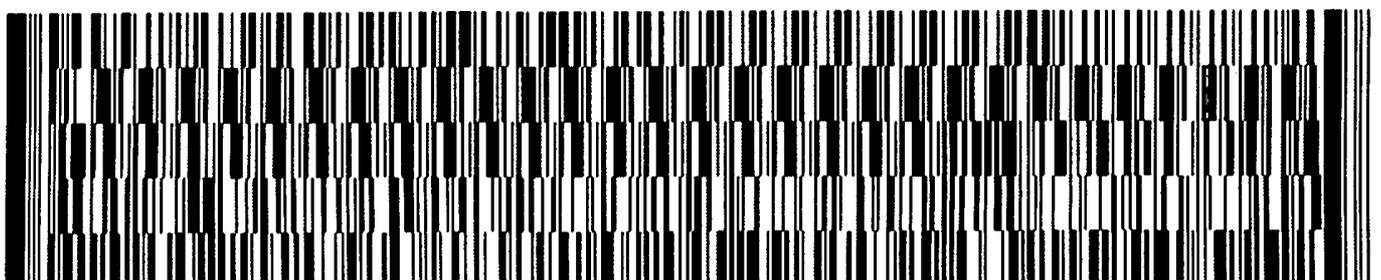
**Part 4. Signature of Attorney or Accredited Representative**

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

- 1. Signature of Attorney or Accredited Representative  
*Robert C. Divine*
- 2. Signature of Law Student or Law Graduate
- 3. Date (mm/dd/yyyy) 12/11/2014

**Part 5. Additional Information**

- 1. Other attorneys authorized in Baker Donelson firm: Robert C. Divine, L. Mabel Arroyo, Robert N. Johnson, Masae Y. Okura, Melanie C. Walker, or any other attorney of the firm.



Department of Homeland Security  
U.S. Citizenship and Immigration Services

**Form I-924A,  
Supplement to Form I-924**

REC'D CSC 14DEC16 17:01  
C30060

**Part 1. Information About Principal of the Regional Center**

Name: Last Angiulli	First Martin	Middle Anthony
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In Care Of:

Street Address/P.O. Box: 2612 Vine Street

City: Cincinnati (b)(6)	State: OH	Zip Code: 45129
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Date of Birth (mm/dd/yyyy)	Fax Number (include area code):	Telephone Number (include area code): (513) 739-0571
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Web site address: www.midwesteb5.com

USCIS-assigned number for the Designated Regional Center (attach the Regional Center's most recently issued approval notice) RCID1031910178

**Part 2. Application Type (check one)**

- a. Supplement for the Fiscal Year Ending September 30, 2014 (YYYY)
- b. Supplement for a Series of Fiscal Years Beginning on October 1, \_\_\_\_\_ (YYYY) and Ending on September 30, \_\_\_\_\_ (YYYY)

**Part 3. Information About the Regional Center**

(Use a continuation sheet, if needed, to provide information for additional management companies/agencies, regional center principals, agents, individuals, or entities who are or will be involved in the management, oversight, and administration of the regional center.)

A. Name of Regional Center: Kentucky Regional Center, LLC dba Midwest EB-5 Regional Center

Street Address/P.O. Box: 2612 Vine Street

City: Cincinnati	State: OH	Zip Code: 45129
------------------	-----------	-----------------

Web site Address: www.midwesteb5.com	Fax Number (include area code):	Telephone (include area code): (513) 739-0571
---	------------------------------------	--

B. Name of Managing Company/Agency: Dante Bella, LLC

Street Address/P.O. Box: 2612 Vine Street

City: Cincinnati	State: OH	Zip Code: 45129
------------------	-----------	-----------------

Web site Address:	Fax Number (include area code):	Telephone (include area code): (513) 739-0571
----------------------	------------------------------------	--

C. Name of Other Agent:

Street Address/P.O. Box:

City:	State:	Zip Code:
-------	--------	-----------

Web site Address:	Fax Number (include area code):	Telephone (include area code):
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**RCW1435052110**  
 maginger 1924A 12/16/2014

**Part 3. Information About the Regional Center (Continued)**

Answer the following questions for the time period identified in Part 2 of this form. Note: If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and provide the response.

1. Identify the aggregate EB-5 capital investment and job creation that has been the focus of EB-5 capital investments sponsored through the regional center. (Note: Separately identify jobs maintained through investments in "troubled businesses.")

Aggregate EB-5 Capital Investment 0	Aggregate Direct and Indirect Job Creation No I-829 petitions filed yet	Aggregate Jobs Maintained 0
--	--	--------------------------------

2. Identify each industry that has been the focus of EB-5 capital investments sponsored through the Regional Center, and the resulting aggregate EB-5 capital investment and job creation. (Note: Separately identify jobs maintained through investments in "troubled businesses".)

a. Industry Category Title: Full Service Restaurants		NAICS Code for the Industry Category 7 2 2 5 1 1	
Aggregate EB-5 Capital Investment: 0	Aggregate Direct and Indirect Job Creation: No I-829 petitions filed yet	Aggregate Jobs Maintained: 0	
b. Industry Category Title: Limited Service Restaurants		NAICS Code for the Industry Category 7 2 2 5 1 3	
Aggregate EB-5 Capital Investment: 0	Aggregate Direct and Indirect Job Creation: No I-829 petitions filed yet	Aggregate Jobs Maintained: 0	
c. Industry Category Title: See Addendum		NAICS Code for the Industry Category _____	
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	

3. Provide the following information for each job creating commercial enterprise located within the geographic scope of your regional center that has received EB-5 investor capital:

a. Name of Commercial Enterprise: KRC Fund I, LP		Industry Category Title: Restaurants, Hotels, Const, see addend.	
Address (Street Number and Name): 2618 Vine Street	City: Cincinnati	State: OH	Zip Code: 45219
Aggregate EB-5 Capital Investment: 0	Aggregate Direct and Indirect Job Creation: No I-829 petitions filed yet	Aggregate Jobs Maintained: 0	
Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			

**Part 3. Information About the Regional Center (Continued)**

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

(1) Business Name: SVARX, LLC		Industry Category Title: Restaurants, Hotels, Const, see addend	
Address (Street Number and Name): 2612 Vine Street	City: Cincinnati	State: OH	Zip Code: 45219
EB-5 Capital Investment: 0	Direct and Indirect Job Creation: No I-829 Petitions filed yet	Jobs Maintained: 0	
(2) Business Name		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

b. Name of Commercial Enterprise:		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

(1) Business Name:		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment	Direct and Indirect Job Creation	Jobs Maintained	

**Form I-924A, Supplement to Form I-924  
Kentucky Regional Center, LLC dba Midwest EB-5 Regional Center  
ID1031910178**

On October 20, 2014, MERC filed a comprehensive response to the Notice of Intent to Terminate issued by USCIS on September 17. Attached are copies of the cover letter and signed NOIT response for quick reference. **These comprehensive responsive materials should supplement this I-924A and may be used as a road map to explain and document all funds received by the MERC's project to date.** Please note that the \$5 million capital received from 10 EB-5 investors (9 of which have now been approved) was previously reported in the I-924A for fiscal year ending September 30, 2012, so no additional capital contributions have been reported here.

**Part 3. Information About the Regional Center**

**2. Identify each industry that has been the focus of EB-5 capital investments sponsored through the Regional Center, and the resulting aggregate EB-5 capital investment and job creation.**

**Job Calculation**

The Regional Center chooses to treat jobs created as those associated with approved I-829s, counting 10 jobs created per approved investor, as the USCIS Q&A of 12/06/2011 allows. No Forms I-829 have been approved for any investors associated with the regional center.

Industry Category Title: Hotels

NAICS Code for the Industry Category: 72111

Aggregate EB-5 Capital Investment: \$0

Aggregate Direct and Indirect Job Creation: N/A

Aggregate Jobs Maintained: N/A

Industry Category Title: Other Miscellaneous Store Retailers

NAICS Code for the Industry Category: 4329

Aggregate EB-5 Capital Investment: \$0

Aggregate Direct and Indirect Job Creation: N/A

Aggregate Jobs Maintained: N/A

Industry Category Title: Condominium managers' offices, residential

NAICS Code for the Industry Category: 531311

Aggregate EB-5 Capital Investment: \$0

Aggregate Direct and Indirect Job Creation: N/A

Aggregate Jobs Maintained: N/A

Industry Category Title: Lessors of Real Estate

NAICS Code for the Industry Category: 5311  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Miscellaneous Manufacturing  
NAICS Code for the Industry Category: 339  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Community Care Facilities for the Elderly  
NAICS Code for the Industry Category: 6233  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Residential Building Construction  
NAICS Code for the Industry Category: 2361  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

Industry Category Title: Commercial and Institutional Building Construction  
NAICS Code for the Industry Category: 23622  
Aggregate EB-5 Capital Investment: \$0  
Aggregate Direct and Indirect Job Creation: N/A  
Aggregate Jobs Maintained: N/A

**Part 3. Information About the Regional Center (Continued)**

(2) Business Name:		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

c. Name of Commercial Enterprise:		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

(1) Business Name:		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

(2) Business Name:		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

**Part 3. Information About the Regional Center (Continued)**

d. Name of Commercial Enterprise:		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

(1) Business Name:		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

(2) Business Name:		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

e. Name of Commercial Enterprise:		Industry Category Title:	
Address Street Number and Name:	City:	State:	Zip Code:
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	
Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes? <input type="checkbox"/> No <input type="checkbox"/> Yes			

**Part 3. Information About the Regional Center (Continued)**

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

(1) Business Name:		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	
(2) Business Name:		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

4. Provide the total number of approved, denied and revoked Form I-526 petitions filed by EB-5 investors making capital investments sponsored by the regional center. (Note: If an adverse action was ultimately reversed and the petition was approved, then note the case as approved.)

Form I-526 Petition Final Case Actions		
Approved	Denied	Revoked
9	0	0

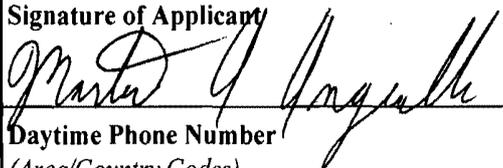
5. Provide the total number of approved, denied and revoked Form I-829 petitions filed by EB-5 investors making capital investments sponsored by the regional center. (Note: If an adverse action was ultimately reversed and the petition was approved, then note the case as approved.)

Form I-829 Petition Final Case Actions		
Approved	Denied	Revoked
0	0	0

**NOTE:** USCIS may require case-specific data relating to individual EB-5 petitions and the job creation determination and further information regarding the allocation methodologies utilized by a regional center in certain instances in order to verify the aggregate data provided above.

**Part 4. Applicant Signature** *Read the information on penalties in the instructions before completing this section. If someone helped you prepare this petition, he or she must complete Part 5.*

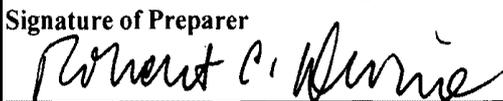
I certify, under penalty of perjury under the laws of the United States of America, that this supplemental form and the evidence submitted with it are all true and correct. I authorize the release of any information from my records that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit being sought. I also certify that I have authority to act on behalf of the Regional Center.

<b>Signature of Applicant</b> 	<b>Printed Name of Applicant</b> Martin Anthony Angiulli	<b>Date (mm/dd/yyyy)</b> 12/03/2014
<b>Daytime Phone Number</b> (Area/Country Codes) 513-739-0571	<b>E-Mail Address</b> mop@shortvineentertainment.com	
<b>Relationship to the Regional Center Entity (Managing Member, President, CEO, etc.)</b> Managing Member		

**Part 5. Signature of Person Preparing This Form, If Other Than Above (Sign Below)**

I declare that I prepared this form using information provided by someone with authority to act on behalf of the Regional Center, and the answers and information are those provided by the Regional Center.

**Attorney or Representative:** In the event of a Request for Evidence (RFE), may the USCIS contact you by Fax or E-mail?  No  Yes

<b>Signature of Preparer</b> 	<b>Printed Name of Preparer</b> Robert C. Divine	<b>Date (mm/dd/yyyy)</b> 12/10/2014
<b>Firm Name and Address</b> Baker Donelson Bearman Caldwell & Berkowitz, PC 1800 Republic Centre, 633 Chestnut Street Chattanooga, TN 37450		
<b>Daytime Phone Number</b> (Area/Country Codes) 423-752-4416	<b>Fax Number (Area/Country Codes)</b> 423-752-9533	<b>E-Mail Address</b> rdivine@bakerdonelson.com

**BAKER DONELSON**  
BEARMAN, CALDWELL & BERKOWITZ, PC

1800 REPUBLIC CENTRE  
633 CHESTNUT STREET  
CHATTANOOGA, TENNESSEE 37450

PHONE: 423.756.2010  
FAX: 423.756.3447  
www.bakerdonelson.com

ROBERT C. DIVINE  
Direct Dial: (423) 752-4416  
Direct Fax: (423) 752-9533  
E-Mail Address: rdivine@bakerdonelson.com

December 11, 2014

USCIS  
California Service Center  
Attn: EB-5 Processing Unit  
24000 Avila Road, 2nd Floor  
Laguna Niguel, CA 92677

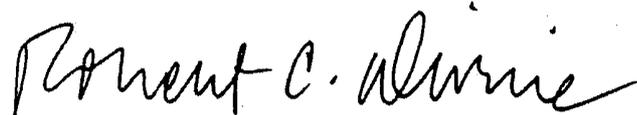
Re: **I-924 A Filing FY Ending September 30, 2014**  
Regional Center: Kentucky Regional Center, LLC dba Midwest EB-5  
Regional Center (MERC)  
Receipt No.: RCID1031910178

Dear Officer:

Attached please find the I-924A filing for fiscal year ending September 30, 2014 for the Kentucky Regional Center dba Midwest EB-5 Regional Center (MERC) and the most recently issued approval notice. On October 20, 2014, MERC filed a comprehensive response to a Notice of Intent to Terminate issued by USCIS on September 17. We have included copies of the cover letter and signed NOIT response (without attached exhibits) for your quick reference. These comprehensive responsive materials should supplement this I-924A and may be used as a road map to explain and document all funds received by the MERC's project to date.

Please note the Form G-28 is attached evidencing my ongoing representation of this regional center for purposes of the I-924A and all other matters.

Respectfully submitted,



Robert C. Divine

I-924A

for regional center

No fee required



**U.S. Citizenship  
and Immigration  
Services**

Date: JUN 25 2013

Terry Chan  
C/O Kentucky Regional Center, LLC  
7000 Houston Road, Suite 3  
Florence, KY 41042

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

Applicant: Terry Chan

Re: Request to Amend Regional Center Designation  
Kentucky Regional Center, LLC  
RCW1034150052 / ID 1031910178

This notice is in reference to the proposal that was filed by the applicant with the U.S. Citizenship and Immigration Services ("USCIS") on November 22, 2010. The proposal was filed to request approval of an amendment to a previously approved 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).

**I. Executive Summary of Adjudication**

- A. Effective the date of this notice, USCIS approves the additional industry categories listed in Section III of this notice.

**II. Procedural History**

On April 29, 2010, USCIS approved Kentucky Regional Center, LLC for participation in the Immigrant Investor Program as a designated regional center. Based on the initial designation, Kentucky Regional Center, LLC obtained approval for the following geographic area and industry categories:

Name of State	Counties
Kentucky	Campbell, Kenton and Boone

Ohio	Hamilton, Butler, Clermont and Warren
------	---------------------------------------

NAICS	Industry Category
72111	Hotels
72211	Restaurants
4239	Other Miscellaneous Store Retailers
531311	Condominium managers' offices, residential
5311	Lessors of Real Estate
339	Miscellaneous Manufacturing
6233	Community Care Facilities for the Elderly

Capital Investment Project: Manhattan Harbour Project			
Project	Type of Project	Organization Documents	Date of Document
MH Entertainment I Regional Center Partnership, Ltd.	Exemplar Form I-526 Petition Project	Limited Partnership Agreement	Dated 04/06/2010
		Subscription Agreement	Dated 04/06/2010
		Operating Agreement	Dated 04/06/2010
		Escrow Agreement	Dated 04/06/2010
Approved on: 04/29/2010			
Geographic Location: Campbell County, Kentucky			
Focus of Investment: loan			

**III. Amendment Request<sup>1</sup>**

Effective the date of this notice, USCIS approves the applicant's amendment request to incorporate the following changes:

**A. Industry Categories**

USCIS approves the applicant's amendment request to include the following industry categories:

<sup>1</sup> USCIS issued a Policy Memorandum (PM-602-0083) on the subject of "EB-5 Adjudication Policy," dated May 30, 2013, stating that formal amendments to the regional center designation are no longer required when a regional center changes its industries of focus or geographic boundaries. A regional center may still elect to pursue a formal amendment by filing Form I-924 if it seeks certainty in advance that changes in the industries or the geographic area will be permissible prior to filing Form I-526 petitions.

NAICS	Industry Name
2361	Residential Building Construction
23622	Commercial and Institutional Building Construction
722513	Limited-Services Restaurants
722511	Full-Services Restaurants

#### **IV. Job Creation**

The amendment request did not involve changes in job creation because the approval of the industry categories was based upon the regional center initial proposal including the supporting business plan and the economic impact analysis.

When filing Form I-526, it will be the responsibility of the individual investor to submit a comprehensive, detailed and credible business plan, showing by a preponderance of the evidence that his or her investment in the new commercial enterprise will create not fewer than 10 full-time positions. If prior to filing a form I-829, the job creation estimated in the business plan submitted by the individual investor materially changes or will not be realized, then it will be the responsibility of the EB-5 investor to notify USCIS of an agreed upon methodology to allocate job creation among eligible investors.

#### **V. Guidelines for Filing Form I-526 Petitions**

Each individual petition, in order to demonstrate that it is affiliated with the Kentucky 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.

#### **VI. 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).

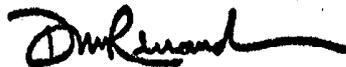
Regional centers that remain designated for participation in the Immigrant Investor Program as of September 30th of a calendar year are required to file Form I-924A Supplement in that year. The Form I-924A Supplement with the required supporting documentation must be filed on or before December 29th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



Daniel M. Renaud  
Acting Chief, Immigrant Investor Program

cc: Martin J. Lawler, Esq.



**U.S. Citizenship  
and Immigration  
Services**

## Questions and Answers: Form I-924A

### Background

8 CFR 204.6(m)(6) provides that regional centers must continue to meet the requirements of Section 610(a) of the Appropriations Act by continuing to promote economic growth, improved regional productivity, job creation or increased domestic capital investment in the approved geographic area.

Form I-924A, Supplement to Form I-924 ("I-924A") is used to demonstrate a regional center's continued eligibility for the regional center designation and must be filed with USCIS on an annual basis for each fiscal year (October 1 through September 30) within 90 days after the end of the fiscal year (on or before December 29th).

Form I-924A may be obtained on the [USCIS website](#).

Below you will find questions and answers regarding the regional center Form I-924A filing and reporting requirements.

### Part I: Questions and Answers

**Q.** Form I-924A asks in Part 1 for the provision of the USCIS-assigned number for the designated regional center. My regional center has had several case numbers assigned to its regional center filings. Which USCIS-assigned number should I provide?

**A.** USCIS assigned a unique identifier to every approved or prospective regional center in August of 2011. Unlike a receipt number which changes with every filing, this unique identifier is permanently assigned to each approved regional center, and will be associated with all Form I-924 applications that are filed by the regional center. The regional center unique identifier's naming convention is as follows:

IDXXXXXXXX

Please provide the regional center's unique identifier (if known) and a copy of the regional center's most recently issued approval notice.

**Q.** Form I-924A asks in Part 2 for the regional center to check box a. or b. Part 2.a. appears to be the box to check for a filing for a specific fiscal year. Part 2.b. appears to be the box to check for a filing for a range of fiscal years. Under what circumstances is Part 2.b. to be used?

**A.** 8 CFR 204.6(m)(6) requires regional centers to provide information demonstrating continued eligibility for the regional center designation on an annual basis, on a cumulative basis, and/or as otherwise requested by USCIS. In some instances USCIS may request that a regional center submit information covering a succession of fiscal years on Form I-924A. Part 2.b. should be checked by the regional center in those instances to specifically identify the period of time covered by the Form I-924A information submission.

**Q.** In Part 3, does "capital investment" refer only to the investments made by EB-5 capital investors,

or should it include other financing that is part of the EB-5 capital investment project?

A. "Capital investment" in Part 3 of Form I-924A refers solely to investments made by EB-5 investors. A regional center has the option to supplement the required information in Form I-924A, such as other financing that is part of an EB-5 capital investment project.

Q. At what point is capital considered "invested" for purposes of inclusion in Part 3 of Form I-924A; I-526 filing, I-526 approval, release from escrow (if any), or expenditure in a project?

A. Capital investment occurs when the EB-5 investor's capital is actually transferred into the new commercial enterprise. Funds held in escrow should not be counted as capital invested for the purposes of completing Form I-924A, Part 3, as these funds have yet to be actually transferred into the new commercial enterprise.

Q. At what point are jobs considered to be created for purposes of inclusion in Part 3 of Form I-924A; I-526 approval – the time of the expenditure of the capital in the capital investment project or the accomplishment of other milestones in the business plan for the project?

A. In reporting statistics, USCIS estimates job creation (10 jobs per investor) based upon the number of Form I-829 petitions that were approved within the period of time under study. Regional centers may opt to adopt this timing approach to simplify the record keeping and data analysis required to be responsive to Part 3 of Form I-924A.

If a regional center chooses to adopt a job creation reporting methodology using economic impact modeling for the job-creating business activities that occurred within its capital investment projects during the fiscal year, then a detailed narrative and analysis should be provided with the Form I-924A that identifies the jobs that were created during the fiscal year and the methodology used to estimate the job creation. Further, regional centers should consistently use the same methodology from year-to-year to avoid erroneous or duplicative job creation estimates.

Q. Should capital investment and job creation numbers be reported strictly within the fiscal year in which they were respectively accomplished?

A. Yes, the amount of capital invested and jobs created through the regional center's capital investment projects should be reported strictly within the fiscal year in which they were respectively accomplished. For Form I-924A filings for fiscal year 2011, the capital investment and job creation in Part 3 should only include events that occurred between October 1, 2010 and September 30, 2011.

Q. Where should a regional center account for jobs that were maintained in a "troubled business" during the fiscal year?

A. The number of jobs that were maintained in a "troubled business" should be identified in the section entitled "Aggregate Jobs Maintained" in Part 3.2 of the Form I-924A.

Q. What level of detail must a regional center use to identify the NAICS code for the Industry Category in Part 3.2 of Form I-924A?

A. The purpose of collecting North American Industry Classification System ("NAICS code") information regarding the industries in which EB-5 capital is invested and jobs are created is to enable USCIS to provide information to internal and external stakeholders about the industries that are participating in EB-5 capital investment projects.

According to the U.S. Census Bureau's FAQs regarding the NAICS codes, NAICS is a two-through six-digit hierarchical classification system, offering five levels of detail. Each digit in the code is part of a series of progressively narrower categories, and the more digits in the code signify

greater classification detail. The first two digits designate the economic sector, the third digit designates the subsector, the fourth digit designates the industry group, the fifth digit designates the NAICS industry, and the sixth digit designates the national industry.

The NAICS code identified in Part 3.2 of Form I-924A should have sufficient detail to identify the industry for the primary business activity of the capital investment project. In general a NAICS code with four-digits, which identifies the industry group of a given economic activity would be an appropriate entry. For example, if the capital investment project involved Fruit and Nut then the appropriate NAICS code to use would be 1113.

Q. If a regional center creates jobs in numerous industry categories, should the regional center identify multiple industry categories, or indicate only the largest industry category in Part 3.3 of Form I-924A?

A. All of the industry category titles relating to the primary business activities conducted by the commercial enterprise should be identified in the event that the commercial enterprise engages in investments in multiple capital investment projects that span industries. Form I-924A indicates on page 2 of the form that if extra space is needed to complete any item, that the regional center should attach a continuation sheet, indicate the item number, and provide the response.

Last updated: 12/06/2011

Plug-ins

**COPY OF  
COVER LETTER  
AND SIGNED NOIT  
RESPONSE  
PREVIOUSLY  
FILED**

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October 20, 2014

U.S. Citizenship and Immigration Services  
Immigrant Investor Program  
20 Massachusetts Ave., N.W.  
Mailstop 22355  
Washington, DC 20529

Re: Response to Notice of Intent to Terminate Regional Center  
File No. 1031910178  
Kentucky Regional Center, LLC dba Midwest EB-5 Regional Center (MERC)

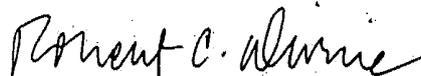
Dear Officer:

Enclosed please find the response to the above-referenced NOIT. The primary document is a response letter from Martin Angiulli, which refers to a significant number of exhibits that are attached according to the Table of Contents

The NOIT encompasses an extraordinary volume of information, and the complexity of the situation is compounded by the relatively recent transfer of ownership of the regional center, the failure of the selling party to have transferred all materials to the buyer, and the simultaneous imposition of SEC subpoenas on all of the companies and people involved. It would be impossible to make a perfect and complete response to this NOIT in the time given, but MERC's owners have done the best they can. We hope to supplement the record, particularly as more information becomes clear in the context of the SEC investigation.

With hope the good faith of the current owners is apparent from this statement, but the gravity of the consequences to so many people from a termination of the regional center is so great that a personal interview with the current manager is critical to a fair result. They are on the cusp of raising the other half of the money needed to complete the project, and termination of the regional center now would ensure project failure and loss of investment and immigration opportunity for the 24 investors, who do not deserve this.

Respectfully,



Robert C. Divine

**Kentucky Regional Center, LLC**  
**dba Midwest EB-5 Regional Center (MERC)**  
2612 Vine Street  
Cincinnati, OH 45129

October 20, 2014

U.S. Citizenship & Immigration Services  
Immigrant Investor Program  
20 Massachusetts Ave., N.W.  
Mailstop 2235  
Washington, DC 20529

## Response to Notice of Regional Center Termination

Regional Center: Kentucky Regional Center LLC dba Midwest EB-5 Regional Center  
(MERC) (RCW 1031910178)

Dear Officer:

This statement responds to the above-referenced Notice of Intent to Terminate (NOIT) the designation of the regional center which my single-purpose entity, Dante Bella, LLC, has recently purchased from a company owned by my son-in-law and his brother, Terry Chan and Gary Chan (the Chans). My separate company, SVARX LLC, is the borrower of the EB-5 capital at issue collected by the "new commercial enterprise," KRC Fund I, LP (the "Fund").

Preliminarily, I would like to explain my background in this matter.

(b)(6)

Terry Chan and his family visited Martinos on a regular basis (starting in 2009). He and his brother graduated from Carnegie Mellon in Pittsburgh and are Steeler Fans. My family is from Pittsburgh, also, and Martino's is a "Steeler Bar". After a while, we got to know each other and Terry, looking for a project, mentioned doing EB5 on Short Vine. His original project, Manhattan Harbor, wasn't working out because of the economy and, as I owned all the properties for this project, he thought it would be perfect. That's how this got started. In the meantime, he started dating my daughter and subsequently they married and had a child, Lena.

Originally, Terry and his brother owned 50% of the regional center and a developer named Paul Galenstein with attorney Paul Darpel owned the other 50%. When the Manhattan

Harbor fizzled, Galenstein and Darpel sold out to the Chans. When Terry bought them out, we needed an experienced developer and I contacted Jeff Jacobs. In turn, Jeff got the other individuals involved.

At the start of this project, I had no experience with EB5 funds, and I trusted the Chans were knowledgeable and compliant and would guide us. When the offering of the investment opportunity to EB-5 investors was being prepared, I worked on the business plan for SVARX as my sole focus. The Chans identified Joseph Chen, who operated a consulting firm called Beijing Catone Investment Consulting Company, whose purpose was to coordinate the efforts of migration agents in China to find, advise, and subscribe investors to the project. Chen insisted that he be made Managing Member of SVARX with a management contract. Jeff and I traveled to China to meet with prospective investors, because we were told that Chinese investors wanted to meet the people who would operate the "job creating enterprise" (JCE) and explain the project. The Chans managed the establishment of the Fund and the offering documents with our input about the project. Based on the input of the Chans, Martin Lawler, Joseph Chen, David Willbrand and the other professionals involved, I fully believed that the offering and business plan were in full compliance with EB-5 rules and policies and would be approved.

As the subscriptions were received, I understood from the Chans that the investors had agreed for their funds to be released from or to bypass escrow. I have never heard otherwise. We have been contacted by half of the existing investors, and in fact I spent 10 hours at the project last week with Mrs. Cui, Mr. Hao, Mr. Ping and Mr. He. In speaking with investors about the progress of the project from time to time, none of them have ever expressed surprise about reports of progress that clearly involved expenditure of substantial sums of EB-5 investment. The investors I have spoken with have expressed continued support for it and have followed up with emails to confirm this. (collective **Exhibit 18**). Jeff Jacobs is planning a trip to China to meet in-person with the remaining investors to explain progress and address concerns.

The plan was to completely renovate the properties, so they during the process they became non-income producing, and part of the project was to keep the properties intact through the process. Martin's mainly paid the utilities and taxes and was reimbursed for those costs. In addition to Jeff Jacobs and other professionals he found, I hired my sister, son, and daughters to help with development and entered contracts with them.<sup>1</sup> (collective **Exhibit 2**).

The Chans had baked into the original business plan to fund a slew of technology companies. At this time Terry Chan also worked for Cincy Tech. He and the officers of Cincy Tech had plans to make Short Vine the "Hub" for Tech Companies in Cincinnati. The first floors were to be used for restaurants and the other floors were to house tech

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<sup>1</sup> Patricia Angiulli, my wife, was also paid funds by SVARX, but these amounts were developer fees which she accepted on behalf of Angiulli, Inc. Patricia had no employment contract or agreement with SVARX.

companies. As this was in their business plan, we thought all these expenses were acceptable. The Chans and Joseph Chen were in control of the offering, and once I signed the Loan Agreement with the commitment of my properties to it, I was essentially at their mercy. Nevertheless, I thought that their plans were compliant with EB-5 policy. They spent some capital of the Fund directly on some expenses, eventually attributing those expenses as "on behalf of" SVARX, and they directed SVARX to spend various sums on technology businesses and regional center expenses that related to them. They directed some expenses without clear backup, and I can't say what they were for, though I understand they claim that some were repayments for loans they claim to have made to the project. The Chans and Joseph Chen were in control of the offering, and once I signed the Loan Agreement with the commitment of my properties to it, I was essentially at their mercy. They required payments for organizing and marketing expenses, including trips to China, and for payments to Joseph Chen under his management agreement. Nevertheless, I still thought that their plans were compliant with EB-5 policy.

By late 2012, I was concerned about the amount of expenses on things other than the restaurant projects, and I sought separate legal advice. Also the Chan's realized that Technology Fund investments may not be acceptable to USCIS causing them to stop our funding. I learned that organizing and offering expenses were not appropriate for use of EB-5 capital and normally were paid from Administrative Fees, charged separately from EB-5 capital, and I had never received accounting of the Administrative Fees. In December of 2012 I brought a lawsuit against the Chans to recover for SVARX funds that I felt had been improperly spent. (**Exhibit 3**). The Chans counterclaimed and escalated the matter (**Exhibit 4**), and it became oppressively expensive. It was also terribly agonizing to be in litigation with my daughter's husband. I felt we had to settle to stop the bleeding of legal fees, and in June 2013 we entered into a settlement agreement (**Exhibit 5**), which enabled us to work together with the Chans to successfully answer the USCIS RFE, which led to the investors getting their I-526 approval and eventually led to my purchase of the Regional Center. Even after the settlement, the unavoidable relationship with the Chans was a huge stress on our family. In a final effort to resolve the matters and take control of the situation I bought the regional center from the Chans in January 2014. (**Exhibit 6**). Also we terminated the management arrangement with Joseph Chen. (**Exhibit 7**).

We have prepared a new set of offering documents and engaged with new marketing agents, and with 9 of 10 existing investors' petitions approved, we were making progress lately with subscribing new investors. Expenses of this effort appear on SVARX books but they are offset by my own personal cash contributions to SVARX to cover them.

Now USCIS has issued the NOIT suggesting many reasons why the designation of MERC as a regional center should be terminated. I really want to protect the designation, most importantly because termination would destroy the U.S. immigration benefits of our ten existing investors and, through the inability of the Fund to subscribe the remaining 14 investors needed for the project, would destroy the investment of the first ten investors as well as my own finances. In addition, I have high hopes for using the regional center to

foster other projects to benefit the region, but I would be happy to forego that opportunity as long as we can finish the current project.

We have obtained new counsel, Robert Divine, who is well known to USCIS as its former Chief Counsel and Acting Director and as the Vice President of IIUSA, the industry association of regional centers. In the course of preparing responses to this NOIT and the ongoing SEC investigation with which your office seems to be coordinating, we have shared our practices and gained significantly better understanding of the best way to operate the regional center and monitor (and, where applicable, operate) its sponsored projects to comply with EB-5 policies and protect the investors.

For my specific response to the NOIT, I have repeated here verbatim the headings for the concerns expressed in the NOIT, and under each I place my responses and references to supporting exhibits, without repeating the NOIT's text so the two documents need to be read together.

### III. Reasons For Termination

#### A. USCIS has determined that MERC has failed to submit required information to USCIS on an annual basis.

##### i. Failure to report number of new direct and/or indirect jobs

**Response:** MERC in good faith has filed Forms I-924A for each year since the form was instituted. USCIS' own Q&A (**Exhibit 1**) has authorized regional centers to report zero jobs created unless and until an investor's I-829 has been approved, and then report 10 jobs per approved investor. The Q&A states:

Q. At what point are jobs considered to be created for purposes of inclusion in Part 3 of Form I-924A; I-526 approval – the time of the expenditure of the capital in the capital investment project or the accomplishment of other milestones in the business plan for the project?

A. In reporting statistics, USCIS estimates job creation (10 jobs per investor) based upon the number of Form I-829 petitions that were approved within the period of time under study. Regional centers may opt to adopt this timing approach to simplify the record keeping and data analysis required to be responsive to Part 3 of Form I-924A.

If a regional center chooses to adopt a job creation reporting methodology using economic impact modeling for the job-creating business activities that occurred within its capital investment projects during the fiscal year, then a detailed narrative and analysis should be provided with the Form I-924A that identifies the jobs that

were created during the fiscal year and the methodology used to estimate the job creation. Further, regional centers should consistently use the same methodology from year-to-year to avoid erroneous or duplicative job creation estimates.

It is unfathomable to us that USCIS would publish such policy guidance and then terminate a regional center for following it.

Nevertheless, we take it that USCIS now wants more detail. The problem is that it is difficult to identify how many jobs have been created before the project is finished, which might have been what drove the USCIS policy on I-924A job reporting discussed above. The restaurant project is not finished or operational. The economic analysis in the revised business plan approved for the 10 initial investors in the KRC Fund 1 LP (the "Fund") states it will claim job creation from the indirect effects of construction and from the operations direct and indirect jobs based on revenues. So far, of course, only construction expenditures have occurred, and the indirect jobs to be claimed could only be determined by the economic analysis methodology used in the report. We have not had time to obtain a revised economic analysis based on the soft and hard construction costs so far, though we are willing to do so if USCIS requests it.

(b)(4)

To our understanding, Zipscene ([www.zipscene.com](http://www.zipscene.com)), which began with [redacted] of EB-5 capital from the Fund<sup>2</sup> (technically through SVARX) in early 2012, created about [redacted] direct jobs. SVARX, trying to narrow to the revised business plan approved by USCIS, sold its Zipscene interests in June 2014. I don't know whether USCIS would allow us to take credit for those jobs or not, but of course we would like to, since the EB-5 investment was material in creating them.

Wearcast ([www.wearcast.com](http://www.wearcast.com)), which has received at least [redacted] from SVARX, is an operating company and employs [redacted] direct employees. A co-investor in WearCast is CincyTech ([www.cincytechusa.com](http://www.cincytechusa.com)), which is well-known, a public-private seed-stage investor whose mission is to strengthen the regional economy. CincyTech's support will help Wearcast be successful. Nevertheless, similar to Zipscene, SVARX is trying to liquidate its investment and recapture the funds for the project.

We cannot say with confidence what Terry Chan might have meant when speaking to the local paper in 2012 about between 20 and 30 direct or indirect jobs," but we can speculate that this was a guess about the people already directly employed by SVARX and the technology companies at the time and the indirect jobs that would be derived both from that indirect employment and from the construction expenditures by that time. In 2012 to my knowledge Zipscene alone had more than 20 employees.

[redacted]

(b)(4)

What we understand to be required is for sufficient direct and indirect jobs to be created by the end of the conditional residence of the investors, which remains our plan. By my hasty calculation using a rough assignment in Column O in our chart of income and expenses for SVARX (**Exhibit 9**), so far our construction expenditures have included [redacted] soft costs of architecture, engineering, management, etc. (admittedly, more broadly interpreted than what an economist might use to predict job creation) and [redacted] hard costs, as shown on our attached chart at **Exhibit 9**. Given that so much design work has been completed, we expect the a much higher proportion of the remaining [redacted] from new EB-5 investors will be expended on hard construction costs plus FF&E. We expect the total of hard and soft construction costs to be substantially what the economist assumed. Our plans for operations remain unchanged, so we expect to create all those jobs. For further discussion on job creation, see item B.i. below.

ii. Failure to fully account for EB-5 capital investments

**Response:** We have a similar concern about USCIS challenge to MERC's method of reporting how much has been invested. USCIS' own Q&A (**Exhibit 1**) has authorized regional centers to report capital as invested at the time it is placed in the NCE:

Q. At what point is capital considered "invested" for purposes of inclusion in Part 3 of Form I- 924A; Form I-526 filing, I-526 approval, release from escrow (if any), or expenditure in a project?

A. Capital investment occurs when the EB-5 investor's capital is actually transferred into the new commercial enterprise. Funds held in escrow should not be counted as capital invested for the purposes of completing Form I-924A, Part 3, as these funds have yet to be actually transferred into the new commercial enterprise.

The FY2012 I-924A reported the [redacted] as invested for the single fiscal year during which those funds were invested in the Fund. Nevertheless, we recognize USCIS' right to require further explanation, and we seek to provide it here.

As the NOIT recognizes, 10 investors have invested [redacted] into the KRC Fund I LP (the "Fund"). The FY2012 I-924A stated that [redacted] had been invested in SVARX LLC in the restaurant industry and [redacted] had been invested in Zipscene LLC in the Healthcare, Tech & Life Sciences R&D industry. The current owner of MERC was not involved in the preparation of the FY2012 report but believes that the [redacted] number consisted of the starred items in the chart discussed further below.

As current owner of MERC, whose ultimate owner also has always owned most of SVARX (Martin Angiulli), I have control of most records of transactions that flowed through SVARX account. In addition, I have received from the prior owner's controlling parties (Terry and Gary Chan) a spreadsheet reflecting how certain monies were spent "on behalf of" SVARX (**Exhibit 8**), and I report this without vouching for its accuracy:

(b)(4)

(b)(4)

Funds transferred directly to SVARX accounts  
Funds invested on behalf of SVARX  
Equipment and T&E paid on behalf of SVARX  
Project Expenses paid on behalf of SVARX  
Reimbursements for project expenses paid on behalf of SVARX  
Interest paid on behalf of SVARX  
Banking Fees

**Total Obligation for SVARX principal**

I can only pass along in the footnote how this number reconciles with the [redacted] listed in the I-924A for the FY ending September 30, 2012.<sup>3</sup>

The [redacted] invested in Zipscene (plus another [redacted] invested in Zipscene directly by SVARX) has been recovered by a sale of SVARX's interest, and the recovery in June 2014 [redacted] actually greater than the investment) has been expended by SVARX in the restaurant plan. In addition, SVARX has invested other monies in another technology company-- Wearcast-- which have not been recovered.<sup>4</sup> Thus, in the big picture, we conclude from the collective records that the net allocation is as follows:

[Large redacted area]

(b)(4)

- **SVARX** (after subtracting amounts distributed to or for the entities below):  
[redacted]
  - [Note: Some of the SVARX funds were spent on additional expenses meant to benefit generally the technology businesses.]
- **Wearcast** [redacted]

We note this totals only [redacted] We have asked the former owners of MERC for an accounting of the remaining amount of [redacted] as well as certain early transfers out of SVARX when the former owners of MERC had authority to make such transfers, but we have not yet received that accounting with supporting evidence. I recognize now that some of the expenditures by SVARX were made for certain organizing and marketing expenses that USCIS prohibits for use of minimum EB-5 capital investment funds. Those expenses should have been covered by the Administrative Fees that investors paid above their EB-5 minimum capital investment, which the former MERC owners managed. We have requested from the Chans an accounting of those funds as well but have not received it. We believe this information will be forthcoming, if not earlier and otherwise, in the context of the SEC investigation underway including those former owners. I intend to recover for SVARX the amounts not accounted for and restore to or recover for SVARX any amounts deemed spent outside the parameters of EB-5 requirements. I am in the process of mortgaging my restaurant in Pennsylvania for a line of credit to be used for any such restoration.

I am in the process of contributing-- rather than leasing-- the Angiulli Inc. ownership of the real estate involved in the project and Martinos restaurant itself. (**Exhibit 13**). I bought the regional center personally to take control of its operation and run it correctly. I am fully "invested" in this project, and I intend to ensure that all funds are fully accounted for. We are determined to manage all future expenses extremely carefully and with better awareness of EB-5 restrictions.

I understand that the Chans have received subpoenas from the SEC. I hope and expect details to become clearer through that process, particularly if the Chans locate and share documents to which we have previously not had access. I expect to supplement the record in this matter of the regional center designation at appropriate times. Jeff Jacobs and I also ask for the opportunity to have an in person interview with USCIS at an appropriate time, so that you might have the opportunity to assess our credibility and capability to run a regional center properly.

**B. USCIS has determined that MERC has failed to demonstrate that it continues to serve the purpose of promoting economic growth, including increased export sales,**

[redacted]

**improved regional productivity, job creation, or increased domestic capital investment.**

- i. MERC is unlikely to continue to serve the purpose of promoting economic growth through the two commercial enterprises under its sponsorship.

*Manhattan Harbour Regional Center Partnership*

This project got caught up in the Real Estate downturn/recession and couldn't get all of its financing in place and the Developer, David Imboden of DCI Properties, put the entire project on hold back in 2010. The new management of MERC has had some meetings with the Developer in the early summer of 2014 to see what his current plans are for the site. Right now he is focusing on new single-family developments at the site and the Marina, as reported in the Cincinnati/Northern Kentucky local media.

*KRC Fund 1, LP (SVARX Loan)*

The Fund prepared the 2013 Comprehensive Business Plan that was approved by USCIS with nine investors getting their I-526 approval by USCIS and one investor pending at USCIS. We attach at **Exhibit 20** an updated business plan, for purposes of this response to NOIT, to reflect the more recent progress on the project including permitting and design and to reflect what parts of the plan have been completed and what remains; including expenditures made and remaining. This updated business plan is consistent with the approved plan and is not a material change-- just an update so USCIS can see where we are and what is left.

The original business plan required \$19 million in EB-5 capital including the technology projects. The revised plan reduced the amount to \$12 million just for the multiple restaurant project of SVARX. We raised \$5 million by August 2012. The 2012 "tenant occupancy" memos and requests for evidence suddenly issued by USCIS after many years of approving the counting of building tenant jobs sent shock waves through the EB-5 market and our own marketing for the remaining investors. We needed to be receiving approvals of I-526 petitions filed as early as October 2011, but instead we were receiving inaction and then only requests for evidence based on tenant occupancy and other issues for a total of 23 months until January of 2014 when our first 9 investors I-526 applications were approved by USCIS. This crippled our investor marketing, and the resulting unavailability of capital crippled our development progress. During this time we should have been pouring funds into the ultimate renovation work, we were reduced to literally trying to "keep the lights on" while we waited for more funds and prepared the revised business plan and waited for adjudication to retain our existing investors. Of course our permits expired, and we did not immediately obtain new ones given the lack of available capital to use them.

Nevertheless, we have made real progress on the project. We have had a whole team of paid Consultants working on our project including:

- (b)(4)
- Architect/ Engineering- Toensmeyer Architects and Engineers- Mike and Tom Toensmeyer.
  - Civil Engineer- Messerly Engineering- Stan Messerly.
  - Surveyor- Lansdale Surveying- Jay Lansdale.
  - B&J Electrical- Mike Doerger.
  - Plumbing- Nieman Plumbing- Ken Nieman.
  - Masonry and Restoration- Waggoner Masonry- Doug Waggoner

We also have completed all of our utility work to each building 2612-2614, 2616, 2617, 2618, 2622, 2630 Vine Streets. This includes all new sewer, gas and water lines to each building address as well as all new Electric 440 amps to each building. Also all the interior demolition has already been completed on all the buildings and two new roofs have been completed on 2612-2614 and 2616 Vine Street. Yes, it's true that one of our Building permits has expired for the Façade work at 2612-2614 Vine Street. This is because we have been waiting for a [REDACTED] Façade grant to be approved by the City of Cincinnati. Under the terms of the grant, which will help pay for all of our Façade work to each of the buildings [REDACTED] The City approved the district and the various buildings in the project on Friday September 26<sup>th</sup> 2014 (See **Exhibit 15**), and we may begin the application process to receive funds under this grant. As the buildings in the project have received approval, we expect that our applications will be accepted without issues.

We have bid set drawings and permit set drawings to be approved by the City of Cincinnati for 2630 Vine and 2617 Vine and have concept, demolition and renderings for all the other addresses in the project. (See collective **Exhibit 16**). We have been waiting for new investor transfers to come in before we submit the drawings, so that we can get a realistic construction schedule put in place. We don't want to submit drawings for a permit until we have funds available to complete the construction or else the permit will expire. We have no doubt that we will be issued the permits we need to complete the project. For validation see the letter of Michael and Thomas Toensmeyer, our architects on the project (**Exhibit 17**).

We have prepared a new set of offering documents for the additional 14 investors needed to obtain the [REDACTED] needed to complete the project. (See collective **Exhibit 21**). We are now confident that, if we can avoid termination of the regional center and revocation and denial of the existing I-526 petitions, we can have all 14 investors recruited to our project by year-end 2014, if not sooner, and this SV ARX, LLC project will be completed in the next 12 to 18 months. We are also still planning on making the job creation numbers of [REDACTED] jobs. The SV ARX project remains as viable as when USCIS approved the nine 526 applications. Our attached updated business plan and additional exhibits explain and show how.

(b)(4)

(b)(4)

This enterprise is actively being marketed since June 2014 (four months) in the China immigration market by Gaotong International and Maslink, two Chinese immigration consultant companies. We just got back in mid-August 2014 from a marketing trip in China with our new consultants. We need 14 investors to finish the SV ARX project. We already have 5 to 6 new investors who have committed to joining our project and two who have already filled out the offering documents and have started the transfer process. (See **Exhibit 19**).

I recognize that even recent expenses on marketing (fees of Artisan Business and trips to China) and legal expenses organizing the new offering have been paid from SV ARX funds. I have contributed net approximately [redacted] cash of my own funds into SV ARX (see **Exhibit 11** at pages 33-34) that fairly can be allocated to these amounts. No further marketing or organizing expenses will be paid from SV ARX funds but instead only from administrative fees of new investors or from other sources that I will contribute to MERC for this effort and regional center monitoring and reporting costs.

The middle of page 9 of the NOIT requests specific items:

- **an accounting of all project expenditures to date**

Attached are the following:

- A spreadsheet from the prior MERC owners showing the expenditures made on behalf of MERC accounting for [redacted] that did not flow through SVAX's account (**Exhibit 8**)
- A "Balance Sheet Detail" derived from SVARX's Quickbooks data but with additional "Memo" column and a marking of soft and hard construction expenditures (**Exhibit 11**)
- A "Profit/Loss Detail" derived from SV ARX's Quickbooks data (**Exhibit 12**)

- **assets purchased and titled to the Job Creating Enterprise (JCE)**

Attached are the following:

- Expected assets
  - Properties owned by Angiulli, Inc. for which I am in the process of contributing to SV ARX (See **Exhibit 13**).
  - My restaurant in Pennsylvania (See discussion above).

Note that I have personally gone beyond the commitments in the loan agreement and other documents in this regard in order to demonstrate to the investors my personal commitment to the project and to their return of capital and acquisition and retention of permanent residence.

- an explanation of how those disbursements relate to the stated objective of the business plan and job creation

See **Exhibit 9** above reflecting the purposes of each expenditure, **Exhibit 20** for the updated business plan and its new supporting evidence.

- **an accounting of the amounts remaining for disbursement**

See **Exhibit 20** for the updated business plan and its new supporting evidence

- **evidence to show that the construction associated with MERC-sponsored projects has been completed or an explanation of why the work has not yet been completed.**

See above explanation for delays in construction, with the evidence cited there.

- **evidence to show that jobs have been created or an explanation for why jobs have not been created**

See above discussion concerning job creation.

- **any other evidence deemed appropriate by MERC to overcome the deficiency noted above.**

See the entirety of this response and attachments.

#### *Other Projects for MERC Sponsorship to Promote the Regional Economy*

The Regional Center under its new ownership of Dante Bella back in early 2014 has actively been pursuing other EB5 related projects. We have been in active discussions with several real estate developers in the hospitality, restaurant, assisted living centers, student housing and memory care loss centers to facilitate the use of EB5 capital for their developments and job creation:

- Phase II of SVARX is a \$12M student housing project
- Point Isabella - hotel and entertainment complex on a bridge spanning the Ohio river between Kentucky and Ohio
- City of Mason Ohio - multi-use real estate development
- Clarity Point, LLC - memory care centers
- Northern Kentucky University - student housing

(See **Exhibit 22** for samples of email discussions). It is our goal to grow the Regional Center into a viable partner for real estate developers/projects and job creation

throughout our region to become an active and productive source of capital and knowledge for years to come.

Having said that, we are suspending all discussions with all developers until we obtain reaffirmation of the regional center designation. We are perfectly willing to refrain from further such discussions-- and to enter into a formal agreement with USCIS not to proceed with any new projects-- until we restore USCIS confidence concerning our ability to manage and monitor the current project.

ii. By failing to meet its monitoring and oversight responsibilities, MERC no longer serves the purpose of promoting economic growth.

a. *Disbursement of investor funds contrary to provision in the Private Placement Memorandum*

**Response:**

Our current leadership of MERC did not manage the Fund or its General Partner (MERC) or any escrow arrangements at the time of the investments and at the time (as leaders of SVARX, the borrower) were assured that the investors had agreed not to use escrow and for the funds to be expended. To my knowledge all or almost all investors placed their capital directly into the Fund's account, not into escrow. Current MERC leadership has been meeting with investors. The investors with whom we have spoken do not express surprise about use of their funds before I-526 approval and say they cannot remember whether they specifically signed something expressing their consent. Six investors have provided letters in support of the regional center and the project. (See collective **Exhibit 18**).

b. *Investment in Zipscene, LLC inconsistent with March 2012 statement of regional center principals and not tied to promotion of economic growth.*

**Response:**

I was unaware of the statements made by the former leadership to the effect that no funds of the first seven investors had been allocated outside the restaurant industry. We would not have made that statement knowing what we think we know about the expenditures detailed in the attached account reports. We did not understand about limitations on industry activities of regional centers at the time, though we are glad about USCIS' currently more relaxed policy in that regard. We understand and believe that the former leadership who channeled funds to those entities sincerely did expect job creation from those investments. I note today that the November 2013 business plan approved by USCIS states the following at page 9:

KRC Fund I, LP will also make an investment in a comprehensive restaurant marketing platform called Zipscene for the company to provide services to the eight restaurants in SV ARX. The cost of this investment falls in line with industry averages for restaurant marketing, which, according to the Restaurant Industry Operations Report by the National Restaurant Association and Deloitte & Touche LLP, is around 2% of sales.

No additional monies were invested into technology companies after the revised business plan was created in 2013. We did seek to recover the investments from the technology sector, and we recovered more from sale of Zipscene than was invested, and we are trying to recover our Wearcast investment, but we acknowledge that other funds were invested in The Source probably are lost with no job creation. This was a risk that investors took in making the original investment that disclosed an intent to invest in technology companies, but nevertheless we intend to create sufficient jobs with SVARX restaurant projects to cover their job creation needs, and we hope to return their investment with interest. We attach as collective **Exhibit 10** all the documents related to the acquisition of interests in those technology companies, along with the documents reflecting sale of Zipscene interest.

*c. Inconsistencies between public statements of MERC principal and information provided to USCIS.*

**Response:** I cannot speak for Terry Chan, but we have confirmed with his current legal counsel that our own guess is essentially accurate about what he meant in his 2012 quoted statement that MERC had raised [REDACTED] for Short Vine:

(b)(4)

1. [REDACTED] in EB5 investors.
2. [REDACTED] in Streetscape grants from the City of Cincinnati, which has been under construction since April of 2014 and will be completed by November of 2014. (See **Exhibit 14**)
3. [REDACTED] in expected Real Estate Tax abatements for the next 12 years for the SV ARX project provided by the Hamilton County Auditor's office for properties renovated in an empowerment zone in the City of Cincinnati.<sup>5</sup>

(b)(4)

So, Terry's remarks don't seem to be false when you consider those three points, although they could have been more precise. This alignment of financial investment in the collective project is consistent with what we have told potential investors during our marketing efforts included in some of our marketing materials. Newspaper quotations are not always perfectly accurate, and people speaking off the top of their head in an interview don't always say things exactly the way they might if they were in a deposition.

<sup>5</sup> Real Estate tax abatements may not be applied for until any construction project is completed, as the value of the tax abatements depends on the value of any new construction improvement. However, this program has been in place for a number of years, so we believe there should be no issue in getting approved for these abatements.

Response to USCIS Notice of Intent to Terminate MERC  
October 20, 2014  
Page 15 of 15

### Conclusion

In this experience I have learned a great deal about managing investment relationships that I did not know before. I bought the regional center so that I could operate it properly and control its destiny for the benefit of investors and developers alike.

I don't see how these investors will ever get their money back or their green cards unless this project is allowed to be completed. If this Regional Center is terminated then the investors will lose all their investment along with my own personal financial ruin. Please allow us the opportunity to complete this and many other EB5 projects.

I hope this information is useful to you and that it convinces you not to terminate the designation of MERC as a regional center. I have put almost everything I have into this project, and I am ready to do all I can to finish it well.

Sincerely,



Martin Angiulli

From: (423) 756-2010  
Robert C. Dvirine  
Baker Donelson Beaman Caldwell & B  
633 Chestnut Street  
1800 Republic Centre  
Chattanooga, TN 37450

Origin ID: CHAA



Ship Date: 10DEC14  
ActWgt: 1.0 LB  
CAD: 2840228/NET3550

Delivery Address Bar Code



Ref # 010629 2925086-000001  
Invoice #  
PO #  
Dept #

SHIP TO: (423) 756-2010  
Attn: EB-5 Processing Unit  
USCIS - California Service Center  
24000 Avila Road, 2nd Floor

BILL SENDER

LAGUNA NIGUEL, CA 92677

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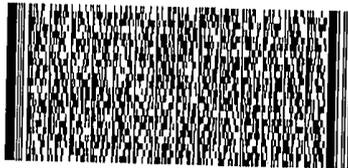
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**BAKER DONELSON**  
BEARMAN, CALDWELL & BERKOWITZ, PC

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1800 REPUBLIC CENTRE • 633 CHESTNUT STREET • CHATTANOOGA, TN 37450

1-924A

Kentucky Regional Center, LLC  
dba Midwest EB-5  
RCID1031910178

COPY

RECEIPT NUMBER RCW1408751720	CASE TYPE 1924A Supplement to Form I-924
RECEIVED DATE March 28, 2014	APPLICANT ANGIULLI, MARTIN ANTHONY
NOTICE DATE March 28, 2014	PAGE 1 of 1
ROBERT CARTER DIVINE RE: KENTUCKY REGIONAL CENTER LLC 633 CHESTNUT ST 18 CHATTANOOGA TN 37450	NOTICE TYPE: Receipt Notice

**Receipt Notice** - This notice confirms that USCIS received your application or petition as shown above. Please reference the receipt number, above, on any correspondence with USCIS. If any of the above information is incorrect, please immediately contact us at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov) to let us know. This will help avoid future problems.

This notice does not grant any immigration status or benefit. It is not even evidence that this case is still pending. It only shows that the application or petition was filed on the date shown.

**Processing time** - Processing times vary by kind of case. You can check our website at [www.uscis.gov](http://www.uscis.gov) for our current processing times for this kind of case at the particular office to which this case is or becomes assigned. If you do not receive an initial decision or update from us within our current processing time, email us at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov). Save this notice, and any other notice we send you about this case, and please make and keep a copy of any papers you send us by any means along with any proof of delivery to us. Please have all these papers with you if you contact us about this case.

**If your address changes** - If your mailing address changes while you case is pending, notify us at [USCIS.ImmigrantInvestorProgram@dhs.gov](mailto:USCIS.ImmigrantInvestorProgram@dhs.gov), otherwise you may not receive notice of our action on this case.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U.S. CITIZENSHIP & IMMIGRATION SVC  
CALIFORNIA SERVICE CENTER  
P.O. BOX 30111  
LAGUNA NIGUEL CA 92607-0111  
Customer Service Telephone: (800) 375-5283





**Part 3. Notice of Appearance as Attorney or Accredited Representative**

This appearance relates to immigration matters before (select one):

- 1.  USCIS - List the form number(s)  
1.a. I-924A EB-5 RC Update
- 2.  ICE - List the specific matter in which appearance is entered  
2.a.
- 3.  CBP - List the specific matter in which appearance is entered  
3.a.

I hereby enter my appearance as attorney or accredited representative at the request of:

4. Select only one:  Applicant  Petitioner  
 Respondent (ICE, CBP)

Name of Applicant, Petitioner, or Respondent

- 5.a. Family Name (Last Name)
- 5.b. Given Name (First Name)
- 5.c. Middle Name
- 5.d. Name of Company or Organization, if applicable  
Kentucky Regional Center LLC

**NOTE:** Provide the mailing address of Petitioner, Applicant, or Respondent and not the address of the attorney or accredited representative, except when a safe mailing address is permitted on an application or petition filed with Form G-28.

- 6.a. Street Number and Name 2612 Vine Street
- 6.b. Apt.  Ste.  Flr.
- 6.c. City or Town Cincinnati
- 6.d. State OH 6.e. Zip Code 45129

7. Provide A-Number and/or Receipt Number

Pursuant to the Privacy Act of 1974 and DHS policy, I hereby consent to the disclosure to the named Attorney or Accredited Representative of any record pertaining to me that appears in any system of records of USCIS, ICE, or CBP.

8.a. Signature of Applicant, Petitioner, or Respondent

Martina Anginelli

8.b. Date (mm/dd/yyyy) 03/02/2014

**Part 4. Signature of Attorney or Accredited Representative**

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. Signature of Attorney or Accredited Representative

Ronald C. Dornie

2. Signature of Law Student or Law Graduate

3. Date (mm/dd/yyyy) 3/4/2014

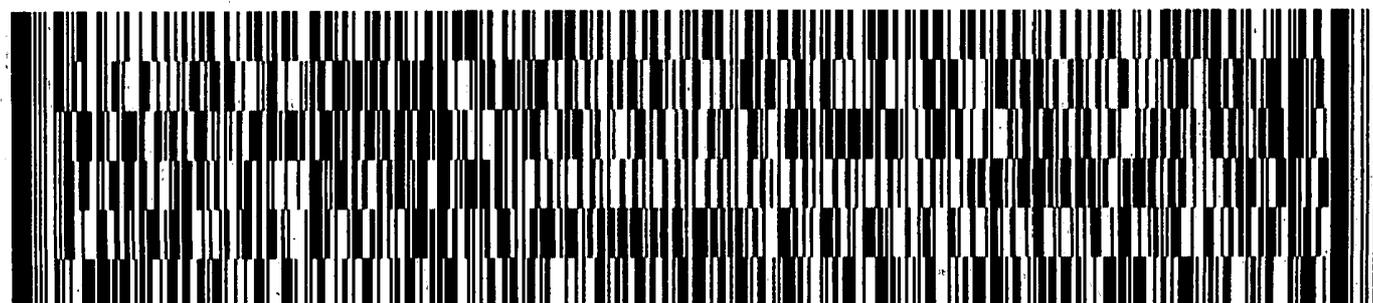
**Part 5. Additional Information**

1. Kentucky Regional Center's assigned

USCIS Numbers are RCW1034150052

ID1031910178

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**Form I-924A,  
Supplement to Form I-924**

Department of Homeland Security  
U.S. Citizenship and Immigration Services

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**Part 1. Information About Principal of the Regional Center**

Name: Last Angiulli	First Martin	Middle Anthony
------------------------	-----------------	-------------------

In Care Of:

Street Address/P.O. Box: 2612 Vine Street

City: Cincinnati (b)(6)	State: OH	Zip Code: 45129
-------------------------	-----------	-----------------

Date of Birth (mm/dd/yyyy)	Fax Number (include area code):	Telephone Number (include area code): (513) 739-0571
-------------------------------	------------------------------------	---

Web site address: www.midwesteb5.com

USCIS-assigned number for the Designated Regional Center (attach the Regional Center's most recently issued approval notice) RCW1034150052/ ID1031910178

**Part 2. Application Type (check one)**

- a. Supplement for the Fiscal Year Ending September 30, 2014 (YYYY)
- b. Supplement for a Series of Fiscal Years Beginning on October 1, \_\_\_\_\_ (YYYY) and Ending on September 30, \_\_\_\_\_ (YYYY)

**Part 3. Information About the Regional Center**

(Use a continuation sheet, if needed, to provide information for additional management companies/agencies, regional center principals, agents, individuals, or entities who are or will be involved in the management, oversight, and administration of the regional center.)

**A. Name of Regional Center:** Kentucky Regional Center LLC

Street Address/P.O. Box: 2612 Vine Street		
City: Cincinnati	State: OH	Zip Code: 45129
Web site Address: www.midwesteb5.com	Fax Number (include area code):	Telephone (include area code): (513) 739-0571

**B. Name of Managing Company/Agency:** Dante Bella, LLC

Street Address/P.O. Box: 2612 Vine Street		
City: Cincinnati	State: OH	Zip Code: 45129
Web site Address:	Fax Number (include area code):	Telephone (include area code): (513) 739-0571

**C. Name of Other Agent:**

Street Address/P.O. Box:		
City:	State:	Zip Code:
Web site Address:	Fax Number (include area code):	Telephone (include area code):

  
**RCW1408751720**  
maginger 1924A 03/28/2014

**Part 3. Information About the Regional Center (Continued)**

Answer the following questions for the time period identified in **Part 2** of this form. **Note:** If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and provide the response.

1. Identify the aggregate EB-5 capital investment and job creation that has been the focus of EB-5 capital investments sponsored through the regional center. (**Note:** Separately identify jobs maintained through investments in "troubled businesses.")

Aggregate EB-5 Capital Investment \$0	Aggregate Direct and Indirect Job Creation No I-829 petitions filed yet	Aggregate Jobs Maintained 0
--	--	--------------------------------

2. Identify each industry that has been the focus of EB-5 capital investments sponsored through the Regional Center, and the resulting aggregate EB-5 capital investment and job creation. (**Note:** Separately identify jobs maintained through investments in "troubled businesses".)

a. Industry Category Title: Full Service Restaurants		NAICS Code for the Industry Category 7 2 2 5 1 1 _ _ _ _ _
Aggregate EB-5 Capital Investment: \$0	Aggregate Direct and Indirect Job Creation: No I-829 petitions filed yet	Aggregate Jobs Maintained: 0
b. Industry Category Title: Limited Service Restaurants		NAICS Code for the Industry Category 7 2 2 5 1 3 _ _ _ _ _
Aggregate EB-5 Capital Investment: \$0	Aggregate Direct and Indirect Job Creation: No I-829 petitions filed yet	Aggregate Jobs Maintained: 0
c. Industry Category Title: See Addendum		NAICS Code for the Industry Category _ _ _ _ _
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:

3. Provide the following information for each job creating commercial enterprise located within the geographic scope of your regional center that has received EB-5 investor capital:

a. Name of Commercial Enterprise: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	
Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes? <input type="checkbox"/> No <input type="checkbox"/> Yes			

**Part 3. Information About the Regional Center (Continued)**

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

<b>(1) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment:</b>	<b>Direct and Indirect Job Creation:</b>	<b>Jobs Maintained:</b>	
<b>(2) Business Name</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment:</b>	<b>Direct and Indirect Job Creation:</b>	<b>Jobs Maintained:</b>	

<b>b. Name of Commercial Enterprise:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>Aggregate EB-5 Capital Investment:</b>	<b>Aggregate Direct and Indirect Job Creation:</b>	<b>Aggregate Jobs Maintained:</b>	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

<b>(1) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code</b>
<b>EB-5 Capital Investment</b>	<b>Direct and Indirect Job Creation</b>	<b>Jobs Maintained</b>	

**Part 3. Information About the Regional Center (Continued)**

<b>(2) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment:</b>	<b>Direct and Indirect Job Creation:</b>	<b>Jobs Maintained:</b>	

<b>c. Name of Commercial Enterprise:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>Aggregate EB-5 Capital Investment:</b>	<b>Aggregate Direct and Indirect Job Creation:</b>	<b>Aggregate Jobs Maintained:</b>	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

<b>(1) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment:</b>	<b>Direct and Indirect Job Creation:</b>	<b>Jobs Maintained:</b>	

<b>(2) Business Name:</b> N/A		<b>Industry Category Title:</b>	
<b>Address (Street Number and Name):</b>	<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>EB-5 Capital Investment:</b>	<b>Direct and Indirect Job Creation:</b>	<b>Jobs Maintained:</b>	

**Part 3. Information About the Regional Center (Continued)**

d. Name of Commercial Enterprise: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

(1) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

(2) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

e. Name of Commercial Enterprise: N/A		Industry Category Title:	
Address Street Number and Name:	City:	State:	Zip Code:
Aggregate EB-5 Capital Investment:	Aggregate Direct and Indirect Job Creation:	Aggregate Jobs Maintained:	

Does this EB-5 commercial enterprise serve as a vehicle for investment into other business entities that have or will create or maintain jobs for EB-5 purposes?  No  Yes

**Part 3. Information About the Regional Center (Continued)**

If yes, then identify the name and address of each job creating business, as well as the amount of EB-5 capital investment and job creation/maintenance associated with each job creating business.

(1) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	
(2) Business Name: N/A		Industry Category Title:	
Address (Street Number and Name):	City:	State:	Zip Code:
EB-5 Capital Investment:	Direct and Indirect Job Creation:	Jobs Maintained:	

4. Provide the total number of approved, denied and revoked Form I-526 petitions filed by EB-5 investors making capital investments sponsored by the regional center. (Note: If an adverse action was ultimately reversed and the petition was approved, then note the case as approved.)

Form I-526 Petition Final Case Actions		
Approved	Denied	Revoked
9	0	0

5. Provide the total number of approved, denied and revoked Form I-829 petitions filed by EB-5 investors making capital investments sponsored by the regional center. (Note: If an adverse action was ultimately reversed and the petition was approved, then note the case as approved.)

Form I-829 Petition Final Case Actions		
Approved	Denied	Revoked
0	0	0

**NOTE:** USCIS may require case-specific data relating to individual EB-5 petitions and the job creation determination and further information regarding the allocation methodologies utilized by a regional center in certain instances in order to verify the aggregate data provided above.

**Part 4. Applicant Signature** *Read the information on penalties in the instructions before completing this section. If someone helped you prepare this petition, he or she must complete Part 5.*

I certify, under penalty of perjury under the laws of the United States of America, that this supplemental form and the evidence submitted with it are all true and correct. I authorize the release of any information from my records that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit being sought. I also certify that I have authority to act on behalf of the Regional Center.

<b>Signature of Applicant</b> <i>Martin A. Angiulli</i>	<b>Printed Name of Applicant</b> Martin Anthony Angiulli	<b>Date (mm/dd/yyyy)</b> 03/21/2014
<b>Daytime Phone Number</b> (Area/Country Codes) 5137390571	<b>E-Mail Address</b> mop@shortvineentertainment.com	
<b>Relationship to the Regional Center Entity (Managing Member, President, CEO, etc.)</b> Sole member of RC's sole member		

**Part 5. Signature of Person Preparing This Form, If Other Than Above (Sign Below)**

I declare that I prepared this form using information provided by someone with authority to act on behalf of the Regional Center, and the answers and information are those provided by the Regional Center.

**Attorney or Representative:** In the event of a Request for Evidence (RFE), may the USCIS contact you by Fax or E-mail?  No  Yes

<b>Signature of Preparer</b> <i>Robert C. Divine</i>	<b>Printed Name of Preparer</b> Robert C. Divine	<b>Date (mm/dd/yyyy)</b> 03/27/2014
<b>Firm Name and Address</b> Baker Donelson et al 633 Chestnut Street, Suite 1800 Chattanooga, TN 37450		
<b>Daytime Phone Number</b> (Area/Country Codes) 4237524416	<b>Fax Number (Area/Country Codes)</b> 4237529533	<b>E-Mail Address</b> rdivine@bakerdonelson.com

**BAKER DONELSON**  
BEARMAN, CALDWELL & BERKOWITZ, PC

1800 REPUBLIC CENTRE  
633 CHESTNUT STREET  
CHATTANOOGA, TENNESSEE 37450

PHONE: 423.756.2010

FAX: 423.756.3447

www.bakerdonelson.com

ROBERT C. DIVINE  
Direct Dial: (423) 752-4416  
Direct Fax: (423) 752-9533  
E-Mail Address: rdivine@bakerdonelson.com

March 26, 2014

U.S. Citizenship and Immigration Services  
California Service Center  
Attn: EB-5 Processing Unit  
24000 Avila Road, 2nd Floor  
Laguna Niguel, CA 92677

Re: Interim I-924A for Regional Center  
Filer: Kentucky Regional Center, LLC, ID1031910178

Dear USCIS:

Please note my representation of the above-referenced regional center based on the enclosed G-28 and accept the following interim I-924A report for the regional center, sent in compliance with the instructions of USCIS in the attached email interchange.

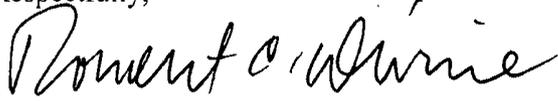
The filing includes:

- I-924A interim report for the current fiscal year ending 9/30/2014
- Statement of Martin Angiulli
- Email interchange with USCIS Immigrant Investor Program
- Report of change of ownership including the following:
  - Letter from Martin Angiulli reporting transaction, new ownership/management, ongoing project, and future plans for KRC
  - List of I-526 petitions for the first project of KRC
  - U.S. passport page for Martin Angiulli, the sole manager of the new owner
  - Biographies of new regional center team (Martin Angiulli, Jeffrey Jacobs, Matthew Kappers, David Buffenbarger)
  - Purchase Agreement dated January 21, 2014 reflecting a sale of 100% membership interest to Dante Bella, LLC, whose sole member is Martin Angiulli
  - Conditional Assignment of Membership Interest, to the same effect
  - State of Ohio Secretary of State Certificate of filing of Articles of Organization of Dante Bella, LLC
  - State of Ohio Secretary of State Certificate of good standing of Dante Bella, LLC
  - Dante Bella, LLC Operating Agreement reflecting Martin Angiulli as sole member

Please place these in your permanent file for the Kentucky Regional Center, LLC.

Thank you for your assistance.

Respectfully,

A handwritten signature in cursive script that reads "Robert C. Divine". The signature is written in dark ink and is positioned above the printed name.

Robert C. Divine

## STATEMENT OF MARTIN ANGIULLI

I, Martin Angiulli, am Principal of Kentucky Regional Center, doing business as Midwest EB-5 Regional Center ("KRC"). USCIS designated KRC as a Regional Center on April 29, 2010, with an amendment request approved on June 25, 2013.

At the direction of USCIS by attached email in response to KRC's report of a change of ownership with a letter and supporting evidence (attached), KRC now updates its Form I-924A annual report for the fiscal year starting October 1, 2013 and ending September 30, 2014. The information in this form and all supporting documentation only apply to the 2014 fiscal year as required by the I-924A instructions.

(b)(4)

As an overview, KRC has sponsored one project whose "new commercial enterprise" is KRC Fund I LPA, 9 of whose 10 investors' I-526 petitions have been approved, all in the current fiscal year, and the 10th is still pending. By the records we have inherited, we determine that the [redacted] capital of these 10 investors [redacted] each) was reported in full in the I-924A for the fiscal year ending September 30, 2012. None of our only project's investors' I-829s have been approved (or filed), so in keeping with USCIS' guidance and FAQ for I-924A, we have no investment or job creation data to report for the current fiscal year.

(b)(4)

### **1. Aggregate amount of EB-5 capital invested through KRC**

In FY 2014, the aggregate amount of EB-5 capital investment through KRC was \$0.

### **2. Aggregate number of new direct and/or indirect jobs created through KRC**

New direct and/or indirect jobs are in the process of being created with the EB-5 capital already invested in KRC Fund I, LP. As permitted by USCIS, KRC has adopted the approach of estimating job creation based on the number of I-829 petitions that have been approved. None of KRC's EB-5 investors are able to file I-829 petitions yet, so there are no jobs to report yet.

### **3. The industries that have been the focus of EB-5 capital investments sponsored through KRC and resulting aggregate EB-5 capital and job creation in fiscal year 2012**

KRC has no sponsored capital investments in its approved industries in FY 2014:

**4. Name, addresses, and industry category titles of each job creating commercial enterprise located within KRC's geographic scope that has received EB-5 capital**

KRC currently has no job creating commercial enterprises located within its geographic scope that have received EB-5 capital in FY2014.

**5. Job Creating Businesses**

KRC currently has no job-creating businesses that have received capital investments in FY 2014.

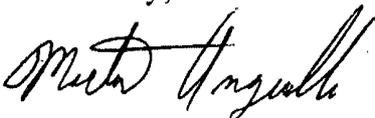
**6. Total number of approved, denied, and revoked I-526 petitions**

In the FY 2014 nine of KRC's investors' I-526 petitions have been approved and one remains pending. None have been denied or revoked.

**7. Total number of approved, denied, and revoked I-829 petitions**

KRC had no I-829 petitions filed during FY 2014. Therefore, no I-829 petitions were revoked or denied.

Sincerely,



Martin Angiulli

(b)(6)

**From:** USCIS Immigrant Investor Program <USCIS.ImmigrantInvestorProgram@uscis.dhs.gov>  
**Sent:** Friday, March 21, 2014 3:56 PM  
**To:** Divine, Robert  
**Cc:** Martin Angiulli (mop@shortvineentertainment.com); Jeff Jacobs  
**Subject:** Response: Change of Ownership/Management: Kentucky Regional Center RCW1034150052 / ID 103191078

Dear Robert C. Divine,

Thank you for notifying USCIS of the change to your regional center ownership/management. This will be noted in your file.

In accordance with 8 § CFR 204.6(m)(6), USCIS requests that you submit an updated *Form I-924A* within the next 60 days reflecting the changes to your regional center.

Sincerely,  
Immigrant Investor Program Office  
U.S. Citizenship and Immigration Services

---

**From:** Divine, Robert [mailto:rdivine@bakerdonelson.com]  
**Sent:** Wednesday, March 12, 2014 2:33 PM  
**To:** USCIS Immigrant Investor Program  
**Cc:** Martin Angiulli (mop@shortvineentertainment.com); Jeff Jacobs  
**Subject:** Change of Ownership/Management: Kentucky Regional Center RCW1034150052 / ID 103191078

Dear USCIS Officer:

Please take note of my new representation of Kentucky Regional Center (KRC) and its change of ownership and management.

My G-28 fully executed is attached reflecting my new representation of this regional center. Please provide directions for any required paper submission of the original, which I have. Please note that we corrected by hand the street number from 2618 to 2612, but the barcode data might say 2618. Apparently 2618 is a restaurant owned by the RC owner, Martin Angiulli (restaurant is "Martino's"). I have attached an un-signed version that is electronically generated that should have the correct bar code if you scan it.

Also attached is the most recent approval dated June 25, 2013, which mentions that KRC was first approved on April 29, 2010.

No change of industries or geography is requested. According to my understanding of the statements of Mr. Robert Cox at the February 26, 2014 EB-5 stakeholders meeting, this email should suffice to alert USCIS of the change, and KRC chooses not to file an optional I-924, instead providing the relevant information for your files confirming that KRC continues to promote the regional economy.

We attach the following in one pdf:

- Letter from Martin Angiulli reporting transaction, new ownership/management, ongoing project, and future plans for KRC
- List of I-526 petitions for the first project of KRC
- U.S. passport page for Martin Angiulli, the sole manager of the new owner
- Biographies of new regional center team (Martin Angiulli, Jeffrey Jacobs, Matthew Kappers, David Buffenbarger)

- Purchase Agreement dated January 21, 2014 reflecting a sale of 100% membership interest to Dante Bella, LLC, whose sole member is Martin Angiulli
- Conditional Assignment of Membership Interest, to the same effect
- State of Ohio Secretary of State Certificate of filing of Articles of Organization of Dante Bella, LLC
- State of Ohio Secretary of State Certificate of good standing of Dante Bella, LLC
- Dante Bella, LLC Operating Agreement reflecting Martin Angiulli as sole member

The contact information for the center will be as follows:

Mr. Martin Angiulli, Member  
 Kentucky Regional Center, LLC  
 2612 Vine Street  
 Cincinnati, OH 45219  
 Phone: 513-739-0571  
 Email: [martinos@zoomtown.com](mailto:martinos@zoomtown.com)  
 Website: [www.midwesteb5.com](http://www.midwesteb5.com)

I trust that this report will be sufficient. Please notify me if any clarification is required.

**Robert C. Divine**

Shareholder, Immigration Group Chairman  
 Baker Donelson Bearman Caldwell & Berkowitz, P.C.  
 Firm immigration web site: [www.immigration.bakerdonelson.com](http://www.immigration.bakerdonelson.com)  
 My Bio: <http://www.bakerdonelson.com/robert-c-divine/>  
 E-Mail: [rdivine@bakerdonelson.com](mailto:rdivine@bakerdonelson.com)  
 Direct Fax: 423.752.9533

**At Chattanooga Office:**

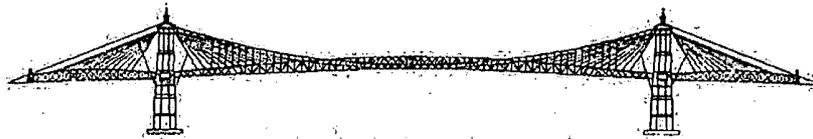
633 Chestnut Street  
 1800 Republic Centre  
 Chattanooga, TN 37450  
 Phone: 423.752.4416

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 in Alabama, Florida, Georgia, Louisiana, Mississippi, Tennessee,  
 Texas, and Washington, D.C.

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Under requirements imposed by the IRS, we inform you that, if any advice concerning one or more U.S. federal tax issues is contained in this communication (including in any attachments and, if this communication is by email, then in any part of the same series of emails), such advice was not intended or written by the sender or by Baker, Donelson, Bearman, Caldwell & Berkowitz, PC to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any transaction or tax-related matter addressed herein.

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## Midwest EB-5 Regional Center

2612 Vine Street | Cincinnati, Ohio | 45219

Phone: 513-739-0571

www.midwesteb5.com

March 11, 2014

U.S. Citizenship & Immigration Services  
Immigrant Investor Program  
Via electronic mail

Dear USCIS:

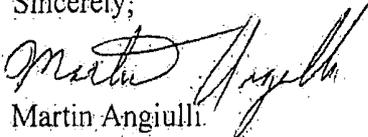
As reflected in the attached documents, a company of which I am sole member, Dante Bella, LLC, has purchased Kentucky Regional Center, LLC (KRC) d/b/a Midwest EB-5 Regional Center, from prior owners Terry Chan and Gary Chan. (By the way, Terry Chan is married to my daughter). Dante Bella, LLC is a limited liability company in good standing. KRC has a solid management team to run the regional center and their biographies are attached. To my knowledge all members of this team are people of good moral character and well qualified for their roles.

KRC has sponsored one project for which a company I control, SV ARX, is the job creating entity benefitting from a loan from the new commercial enterprise, KRC Fund I LPA. That project is ongoing and is the subject of I-526 petitions identified in the attached list. I intend to seek other projects that can use the Regional Center to attract EB-5 investors who can thereby count the direct and indirect job creation resulting from their investments. Some examples of projects we are considering or pursuing include restaurants, a hotel in downtown Cincinnati, and assisted living centers.

We look forward to managing the regional center to promote the economy in the U.S. We were not sure of the method by which to notify USCIS about the acquisition of the regional center, and we were relieved to learn from reports of the recent stakeholders meeting of the propriety of email notification, and we have sought promptly to gather the attached information to make a useful collection of information.

Thank you for your attention to this notification.

Sincerely,

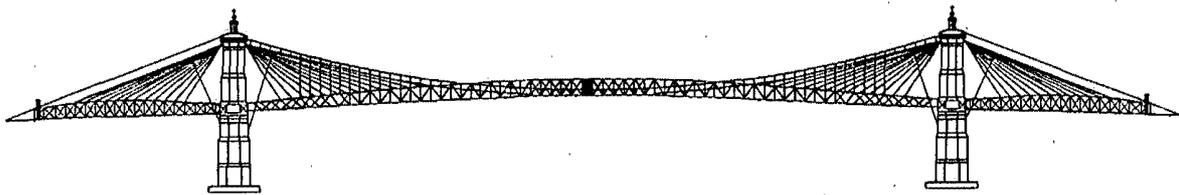
  
Martin Angiulli

**Petitions for Kentucky Regional Center**

Project: KRC Fund I, LP

No.	Name	D.O.B	USCIS Receipt Number:	Status
[Redacted Content]				

(b)(6)



# Midwest EB-5 Regional Center

## MIDWEST EB-5 REGIONAL CENTER

### Management Team

#### **Martin Angiulli – Principal**

Mr. Martin “Mop” Angiulli has expertise in the restaurant industry and EB-5 regional centers. Mr. Angiulli has owned and operated successful restaurants in Ohio and Pennsylvania for over 20 years. He has managed all aspects of restaurant operations including purchasing, human resources, and site development. Prior to his hospitality career, Mr. Angiulli worked 25 years for United States government in the Internal Revenue Service (IRS) division. His long-term experience working for the US government helps the Regional Center with its relations with the various US government agencies.

#### **Jeffrey Jacobs – Director of Construction and Operations**

Mr. Jacobs has 20 years of specialized real estate development and management experience, of which the last 10 years have been concentrated in real estate development in the Greater Cincinnati Area. Some significant achievements from Jeff’s 20 year career include:

- Construction and development of over 35 custom made villas, and the completion of numerous renovation projects in the city of Cincinnati;
- Development, building and management of over 500 apartments, including a 422 bed apartment project near the University of Cincinnati.
- Construction of 125 high-end custom condos in North Carolina, Ohio, and Florida
- Renovation of two large office buildings, and 30 high end historical apartments
- Expansion of various commercial projects, including offices, restaurants etc.

Mr. Jacobs is a graduate of Morehead State University.

#### **Matthew Kappers – Director of Business Development**

Mr. Kappers has extensive experience in completing mergers and acquisitions, as well as post acquisition operations. He has managed acquisitions and divestitures internally for two multi-billion dollar NYSE companies as well as providing M&A advisory services at Concordia Financial Group. In addition to his M&A background, he has been the COO for several small to medium-sized privately held companies. His background provides him with a combination of transactional expertise and operational experience. He has been directly involved in more than 150 transactions over the past 16 years, with deal sizes up to

\$50 million. Mr. Kappers earned a B.A. degree from Vanderbilt University and a M.B.A. degree from Miami University.

**David Buffenbarger – Director of Accounting and Finance**

Mr. Buffenbarger has over 26 years of experience in accounting and financial services management. He is a Certified Public Accountant licensed in the State of Ohio. Mr. Buffenbarger specializes in providing financial advice to closely held businesses. He is also involved in a number of diverse businesses including a renewable energy company and a pharmaceutical development firm. In addition, Mr. Buffenbarger served as the Chief Financial Officer of a tax lien investment fund and a national financial services company. Mr. Buffenbarger earned a B.A degree in accounting and finance from Wright State University.

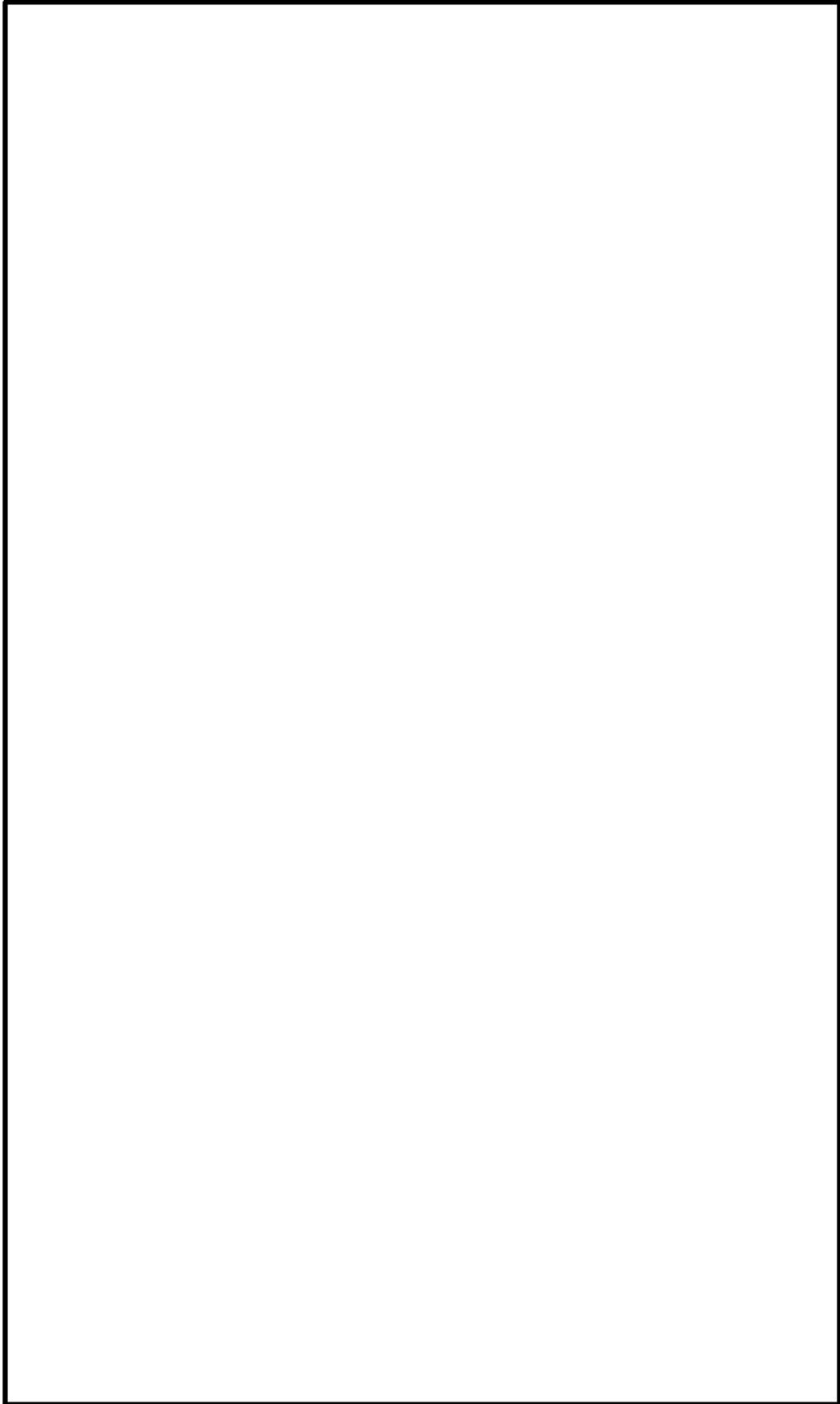
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**PURCHASE, RELEASE AND INDEMNIFICATION AGREEMENT**

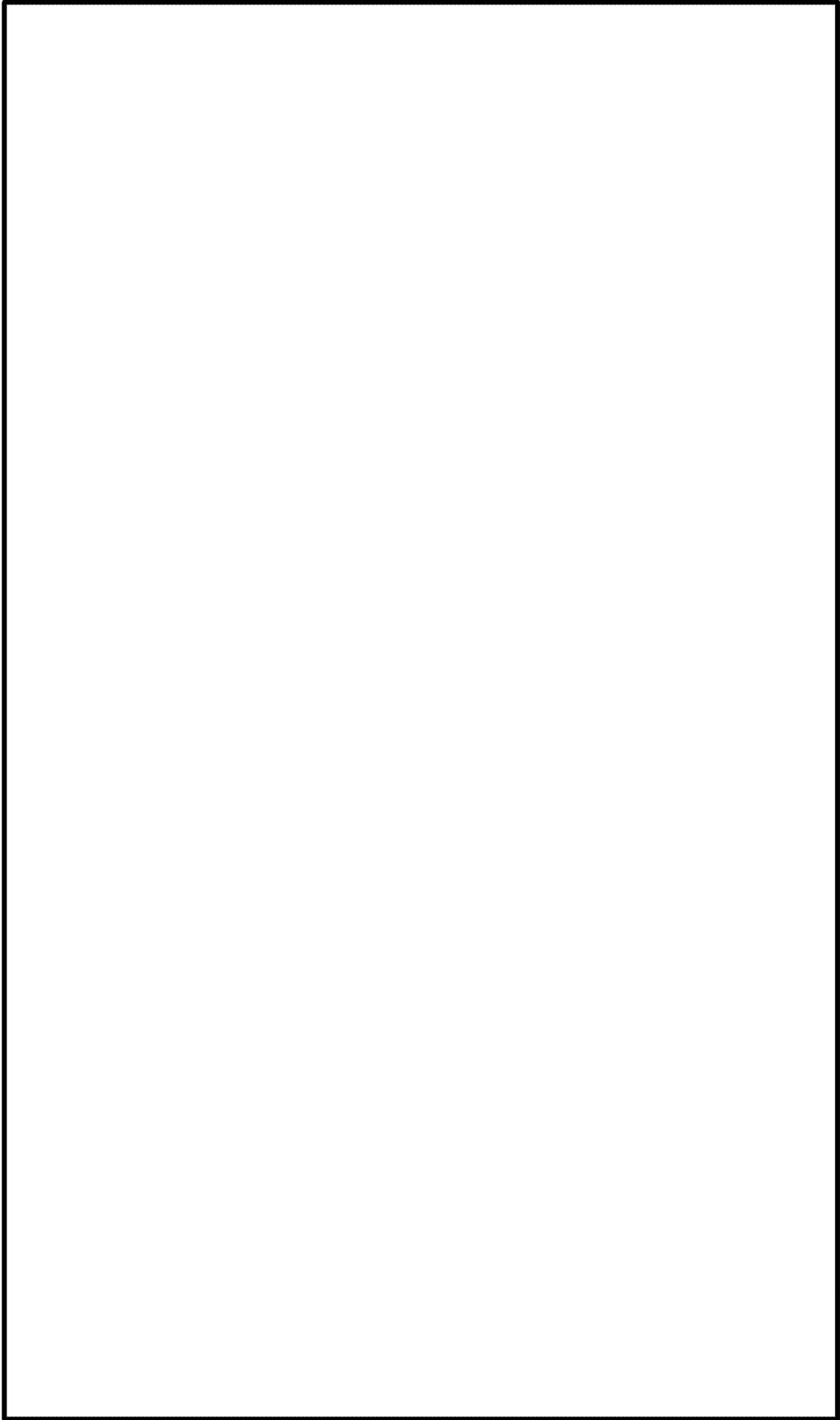


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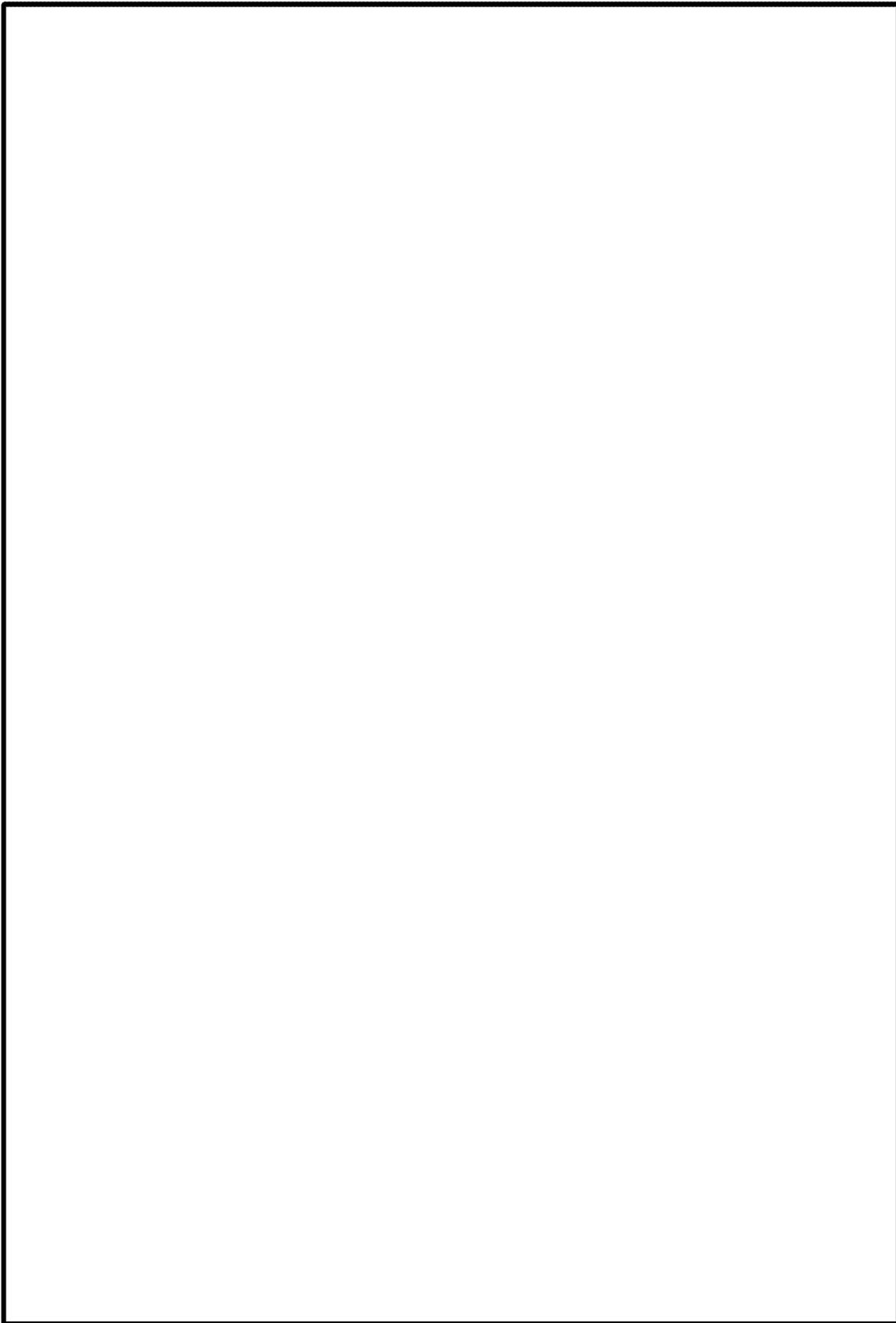


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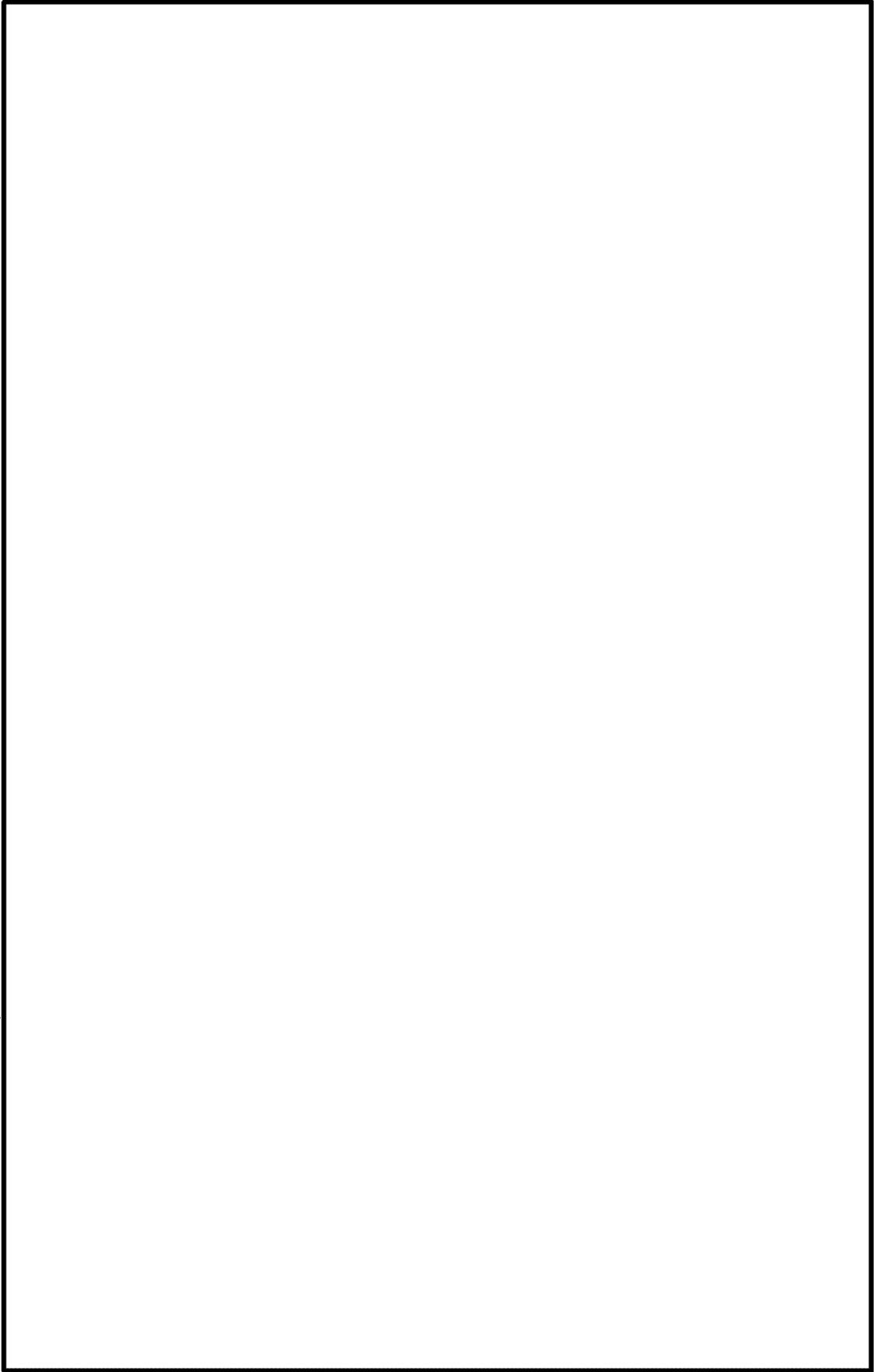
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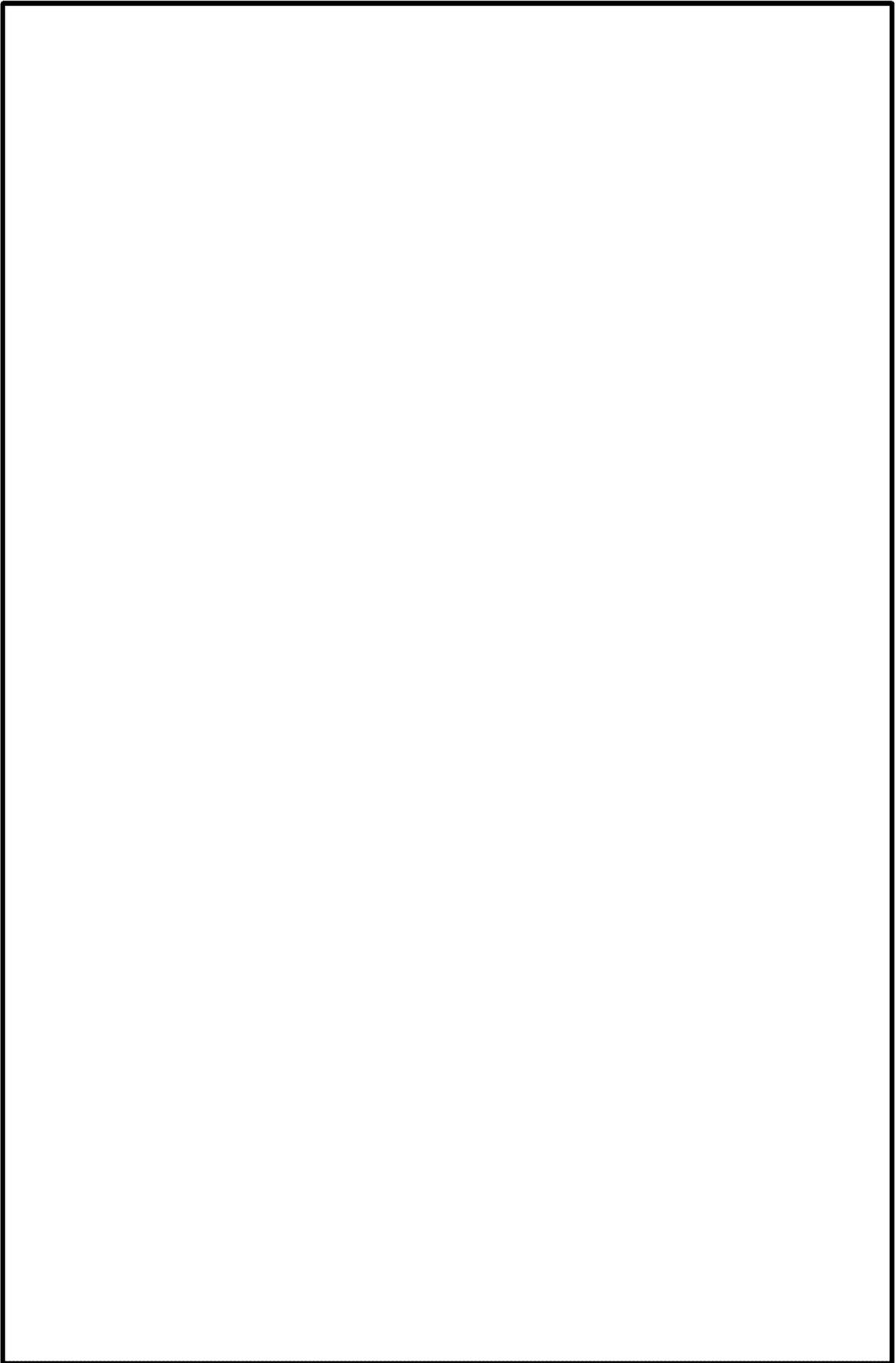


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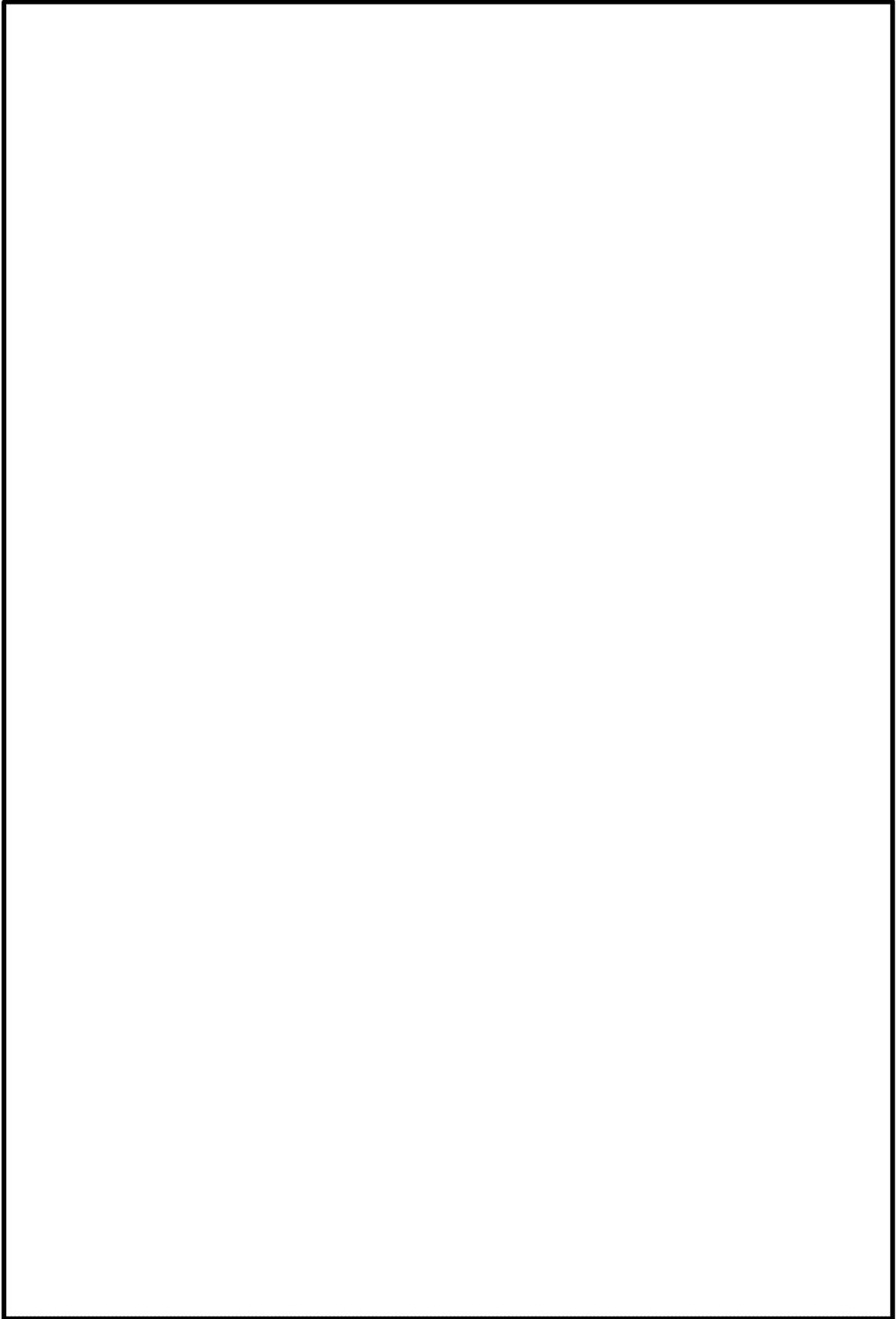




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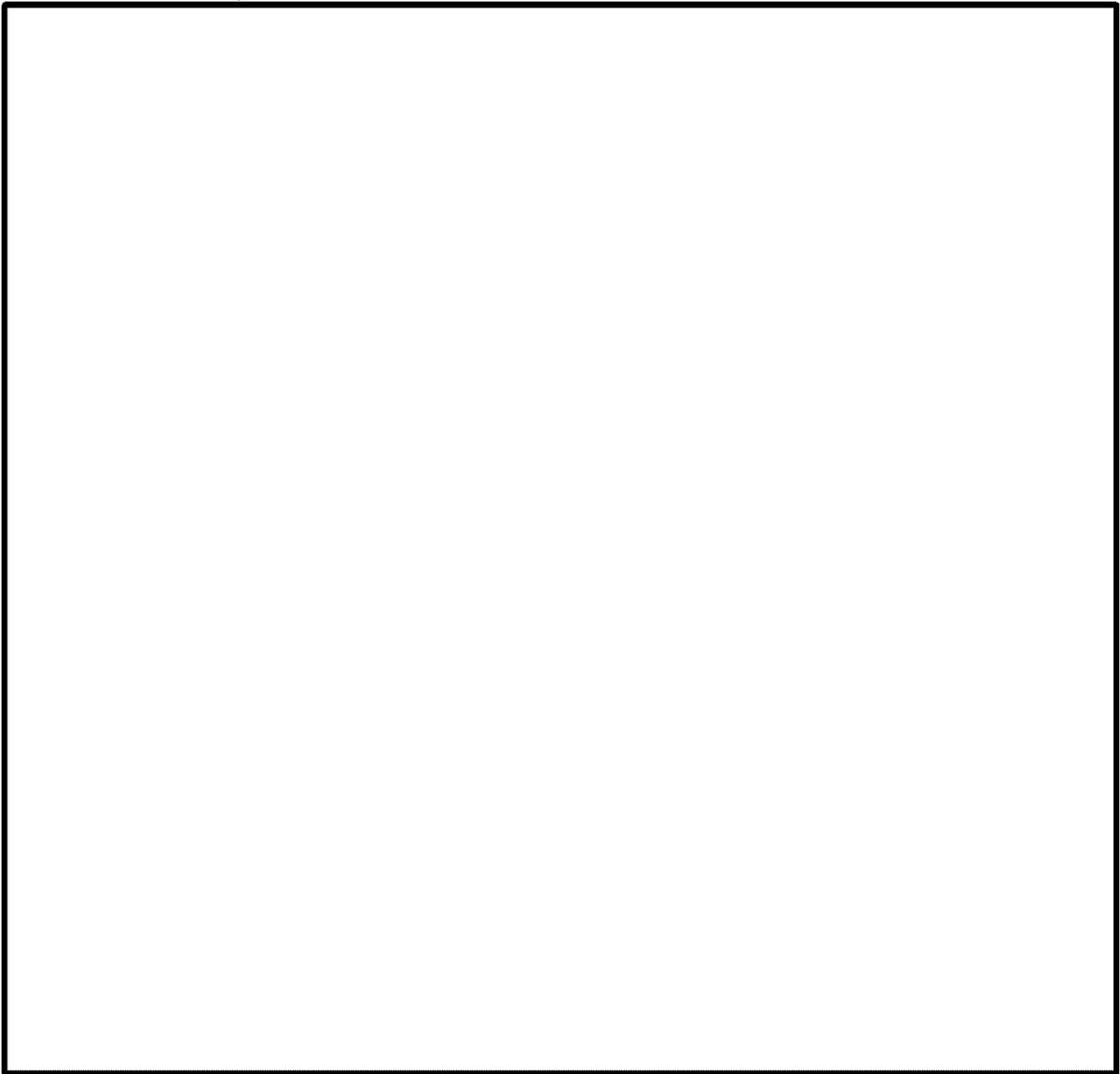


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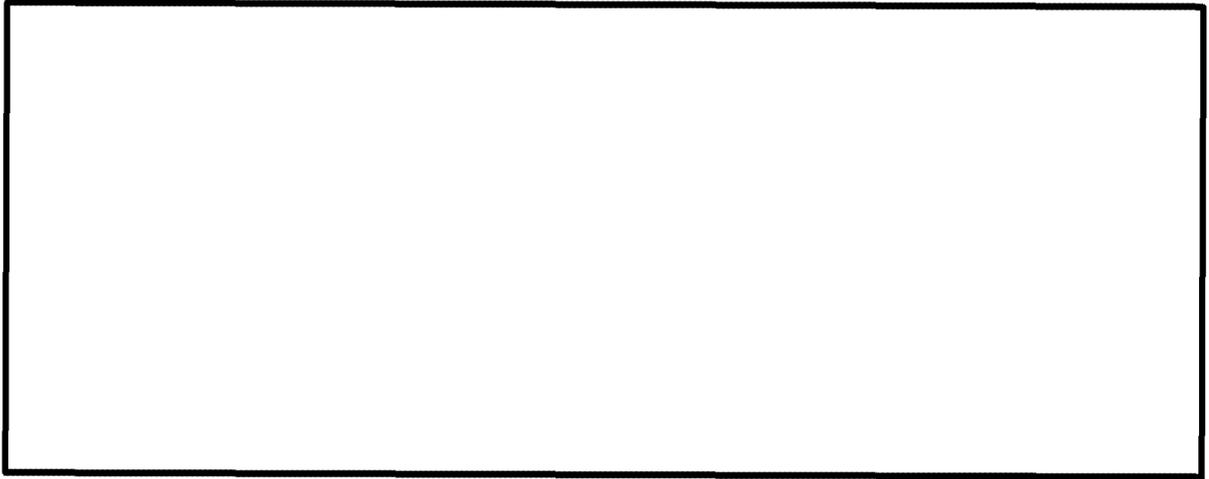


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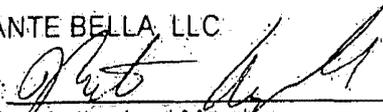
JARDIN HILL, LLC

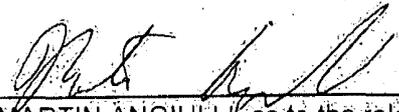
By:   
Title: Authorized Member

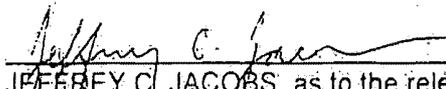
  
TERRY CHAN

  
GARY CHAN

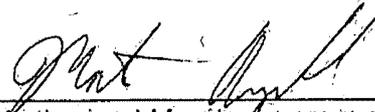
DANTE BELLA, LLC

By:   
Title: Authorized Member

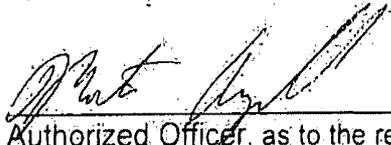
  
MARTIN ANGIULLI, as to the release and  
Indemnification provisions of paragraph  
6 only.

  
JEFFREY C. JACOBS, as to the release and  
Indemnification provisions of paragraph  
6 only

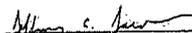
SVARX, LLC

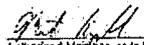
  
Authorized Member, as to the release  
and Indemnification provisions of  
paragraph 6 only

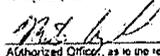
ANGIULLI, Inc.

  
Authorized Officer, as to the release  
and Indemnification provisions of  
paragraph 6 only

From: Terry Chan <terry.h.chan@gmail.com>  
Subject: scan of signature page  
Date: January 25, 2014 11:15:17 AM EST  
To: Mop Angiulli <martinos@zoomtown.com>, Jeff Jacobs <j.jacobs@thejfgroup.com>, Jeff Jacobs <jeff@shortvineentertainment.com>, Gary Chan <changaryk@gmail.com>

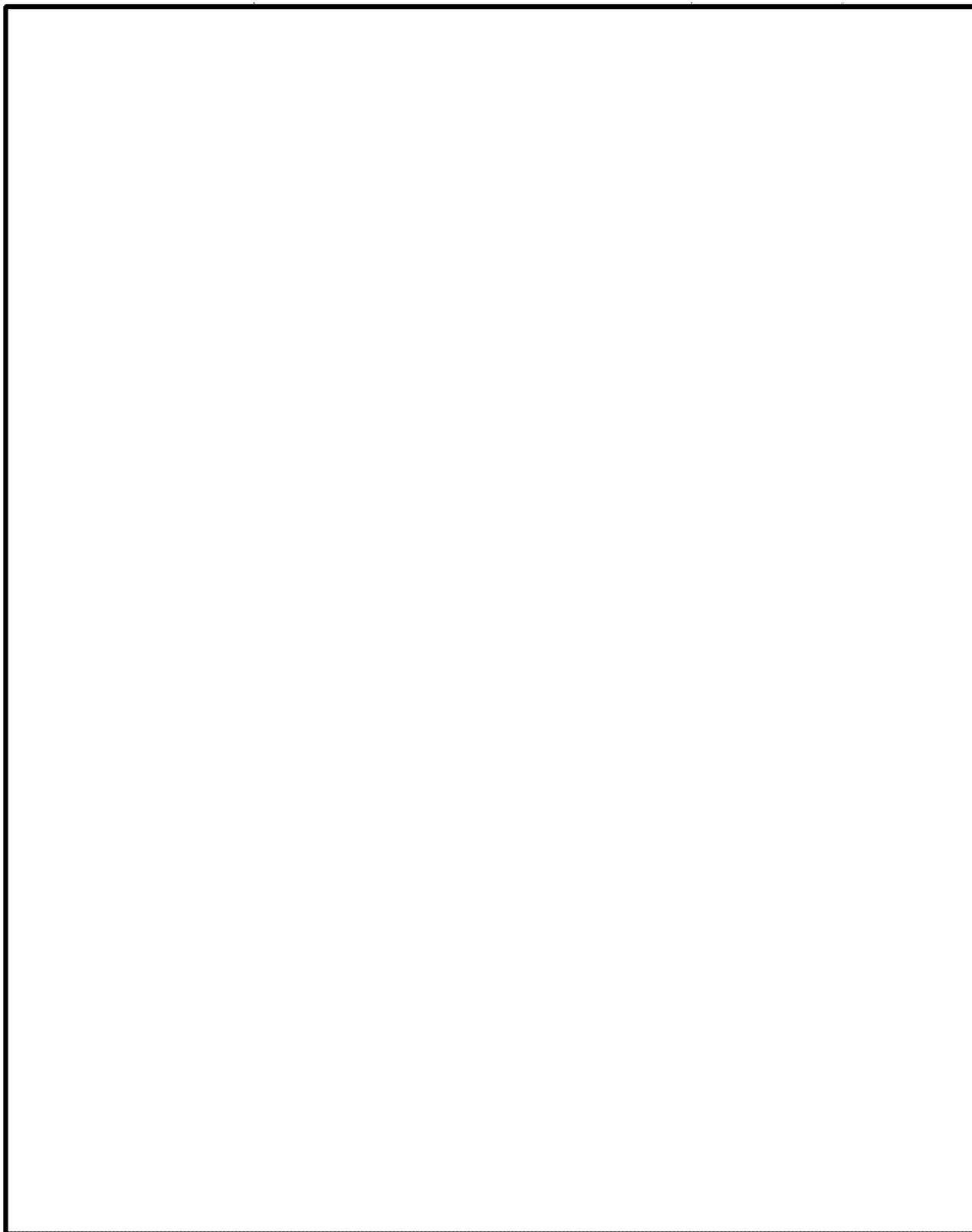
  
JEFFREY C. JACOBY, as to the release and  
indemnification provisions of paragraph  
8 only

SVARX, LLC  
  
Authorized Member, as to the release  
and indemnification provisions of  
paragraph 8 only

ANGIULLI, Inc.  
  
Authorized Officer, as to the release  
and indemnification provisions of  
paragraph 8 only

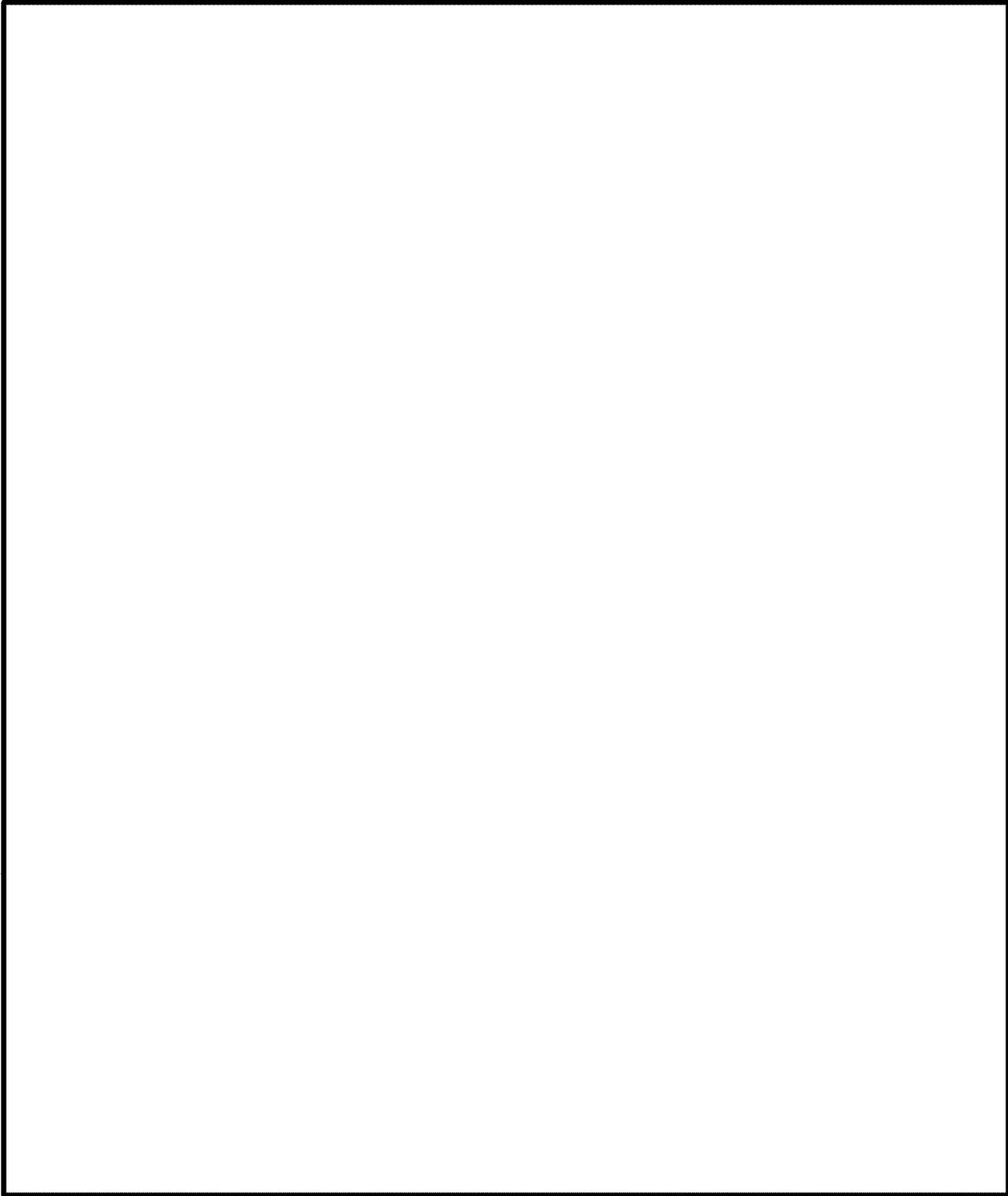
(b)(4)

**CONDITIONAL ASSIGNMENT OF MEMBERSHIP INTEREST**

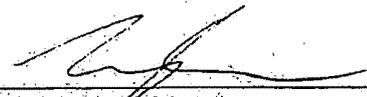




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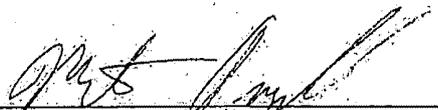
Jardin Hill, LLC.

By:   
Authorized Member

Accepted this 21 day of January, 2014.

DANTE BELLA, LLC

By:

  
Authorized Member.



DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
01/22/2014	201402200968	ARTICLES OF ORGNZTN/DOM. PROFIT LIM.LIAB. CO.	125.00	200.00	0.00	0.00	0.00

**Receipt**

This is not a bill. Please do not remit payment.

**MINNILLO & JENKINS CO LPA  
2712 OBSERVATORY AVENUE  
CINCINNATI, OH 45208**

**STATE OF OHIO  
CERTIFICATE**

**Ohio Secretary of State, Jon Husted**

**2262062**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**DANTE BELLA, LLC**

and, that said business records show the filing and recording of:

Document(s)

**ARTICLES OF ORGNZTN/DOM. PROFIT LIM.LIAB. CO.**

Effective Date: 01/22/2014

Document No(s):

**201402200968**



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of the  
Secretary of State at Columbus, Ohio  
this 22nd day of January, A.D. 2014.

*Jon Husted*

**Ohio Secretary of State**

UNITED STATES OF AMERICA  
STATE OF OHIO  
OFFICE OF THE SECRETARY OF STATE

*I, Jon Husted, do hereby certify that I am the duly elected, qualified and present acting Secretary of State for the State of Ohio, and as such have custody of the records of Ohio and Foreign business entities; that said records show DANTE BELLA, LLC, an Ohio For Profit Limited Liability Company, Registration Number 2262062, was organized within the State of Ohio on January 22, 2014, is currently in FULL FORCE AND EFFECT upon the records of this office.*



*Witness my hand and the seal of the Secretary of State at Columbus, Ohio this 3rd day of March, A.D. 2014.*

*Jon Husted*

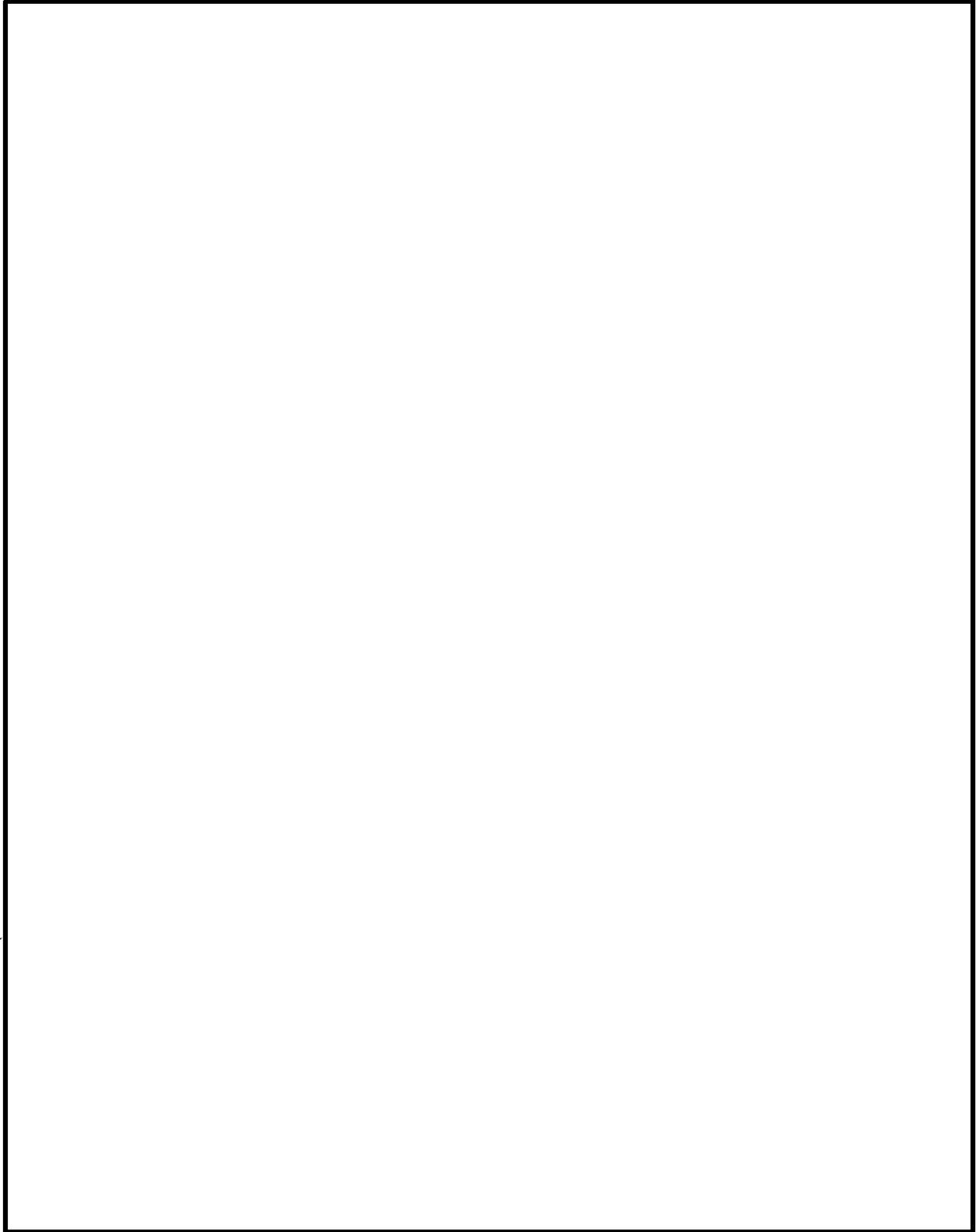
Ohio Secretary of State

Validation Number: 201406202630

(b)(4)

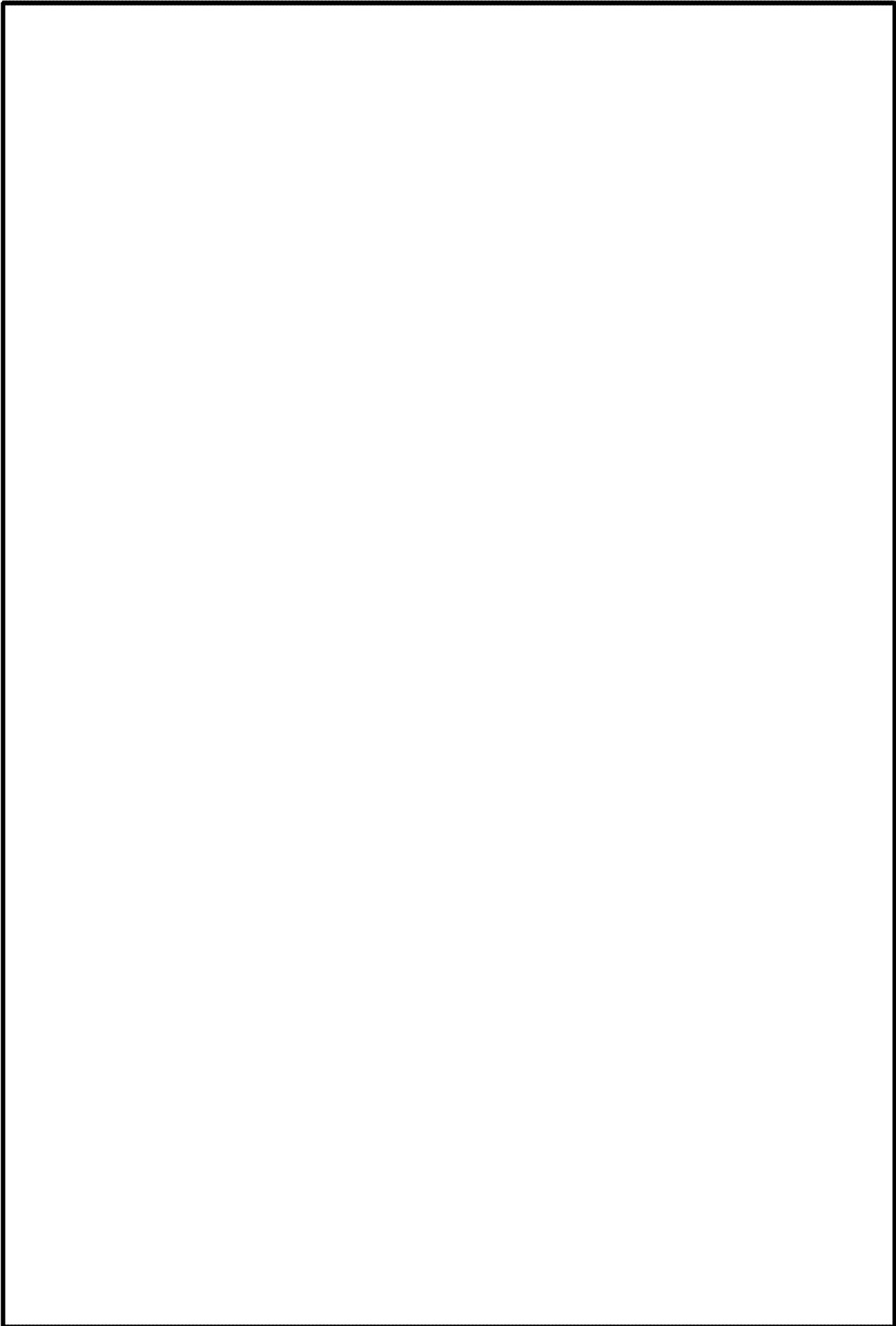
LIMITED LIABILITY COMPANY OPERATING AGREEMENT  
FOR  
DANTE BELLA, LLC

*A Single Member, Member-Managed Limited Liability Company*

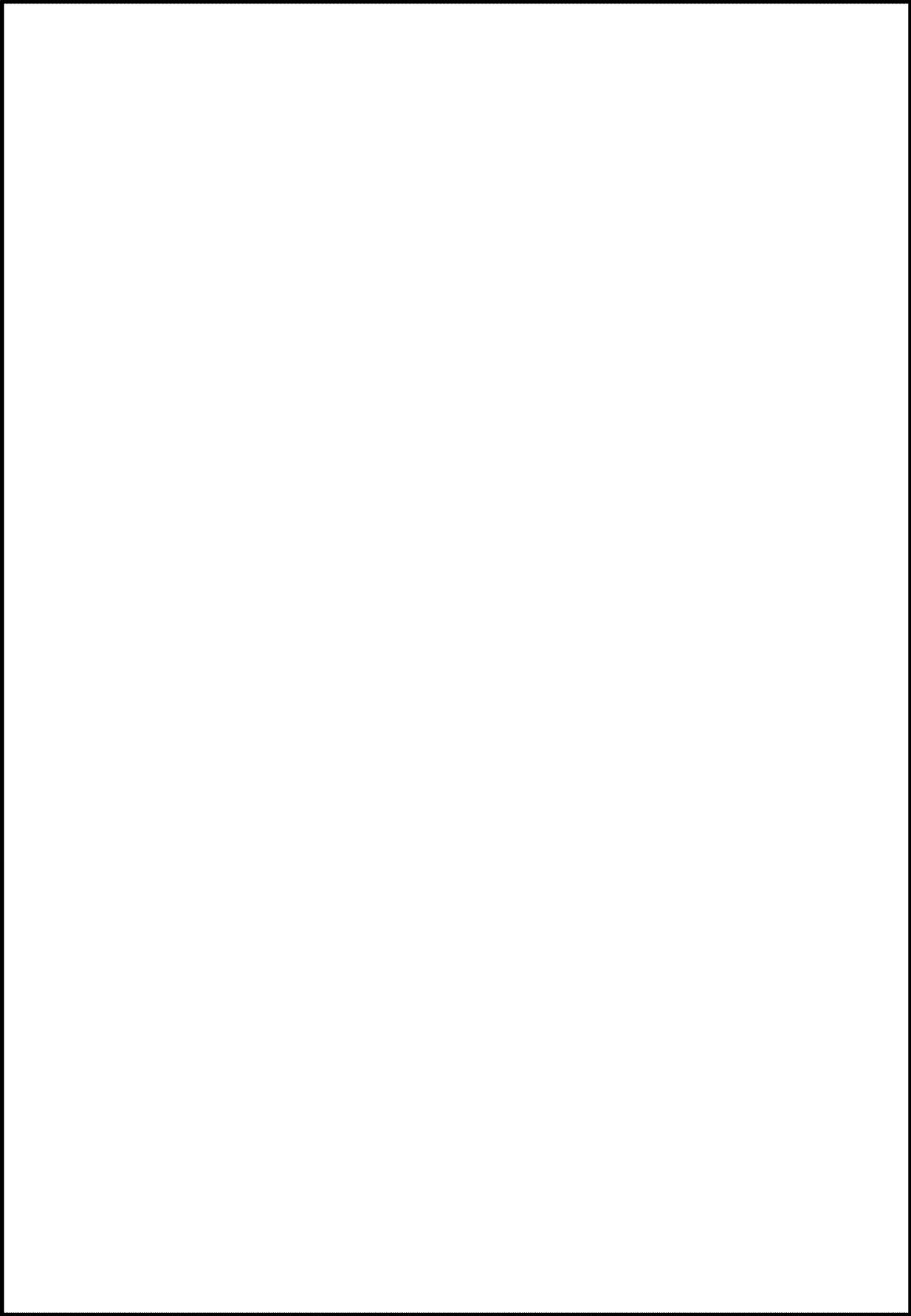




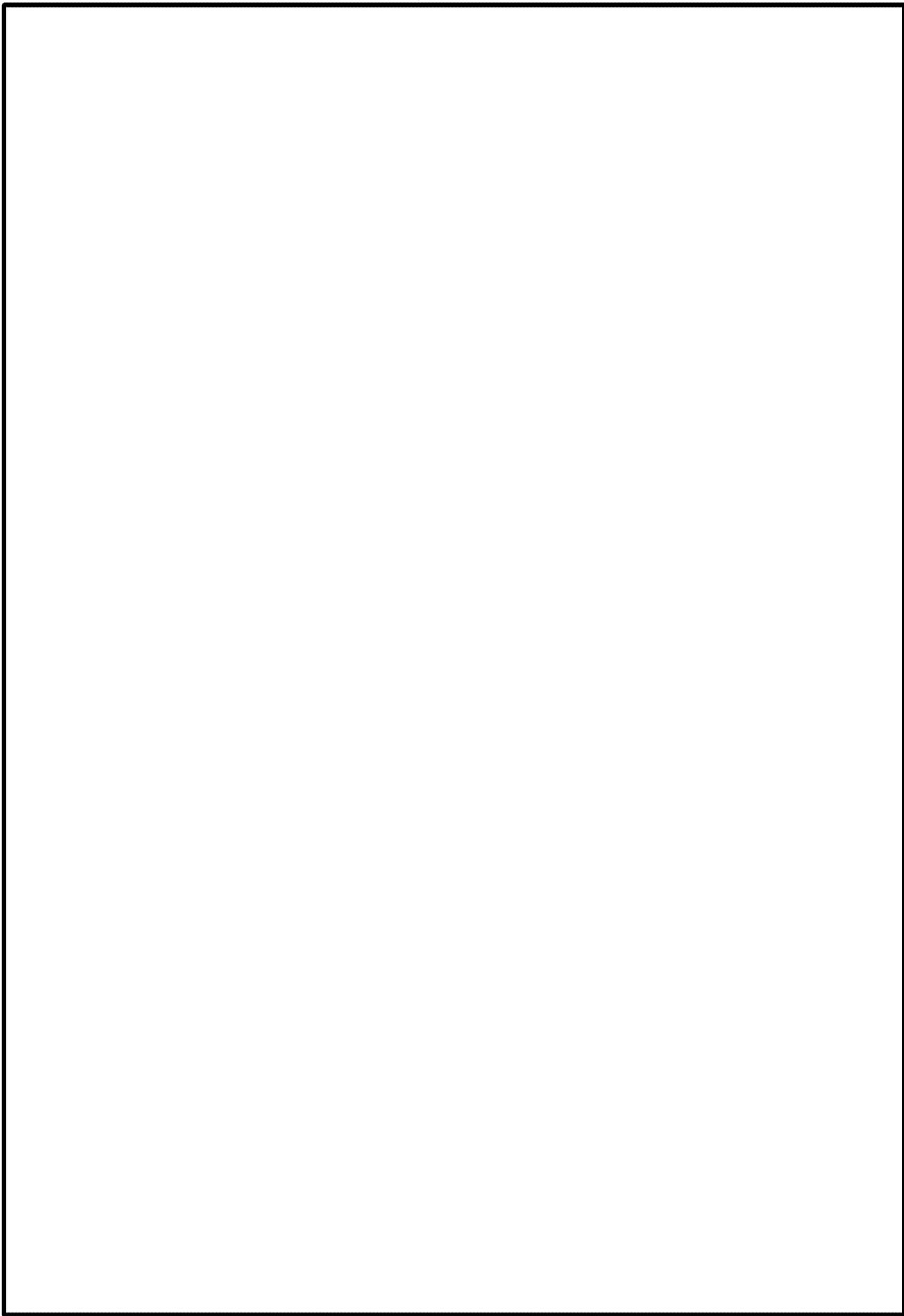
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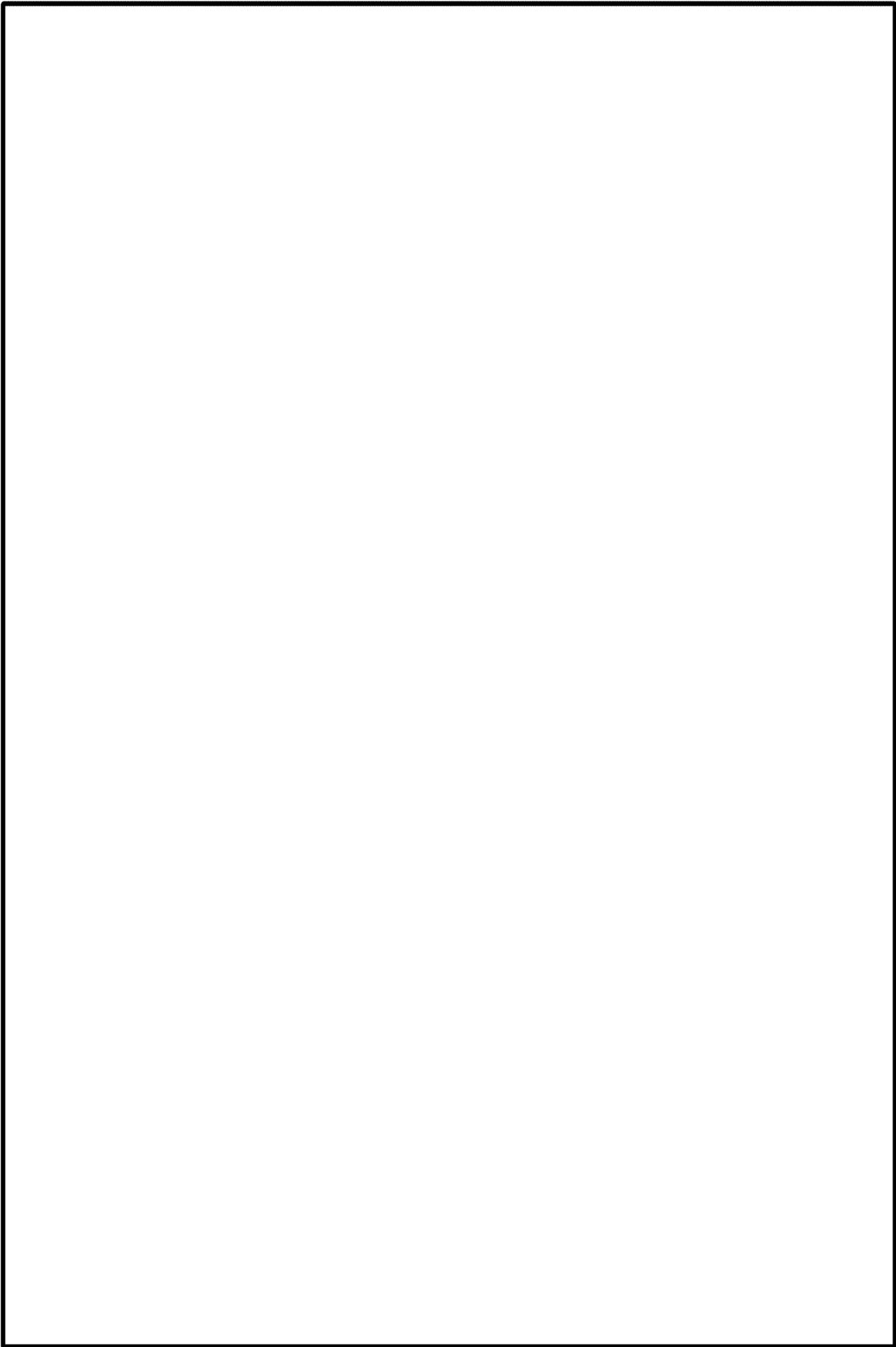
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CERTIFICATE OF FORMATION



Martin Anguilla

Signature

Printed Name: MARTIN ANGIULLA

Percent: 100%

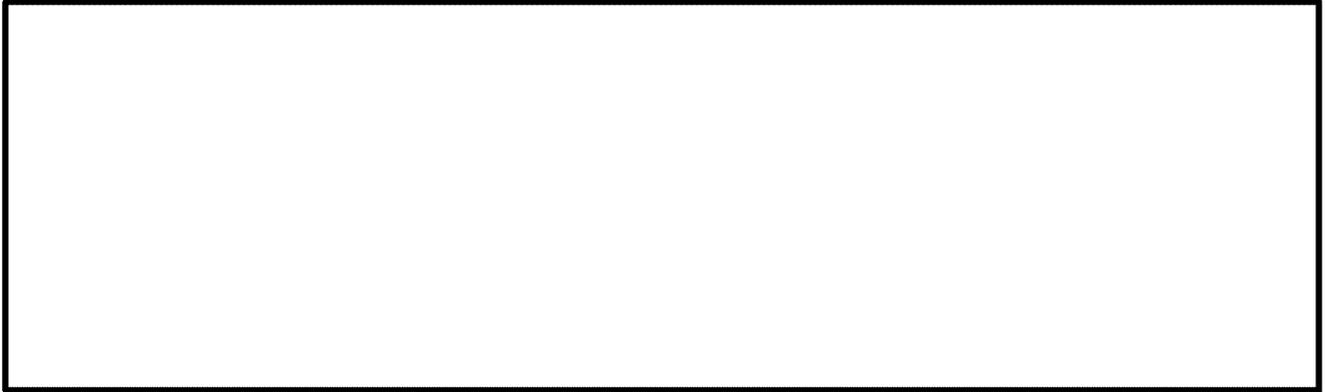
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EXHIBIT 1

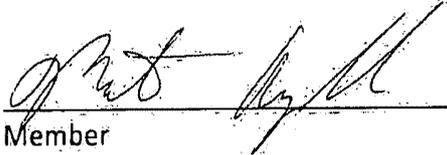


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EXHIBIT 2



SIGNED AND AGREED this 14 day of FEBRUARY, 2014.

  
\_\_\_\_\_

Member

CSC  
AM MAR 28 2014  
STAMP #225

From: (423) 756-2010  
Robert C. Divine  
Baker Donelson Beaman Caldwell & B  
633 Chestnut Street  
1800 Republic Centre  
Chattanooga, TN 37450

Origin ID: CHAA

FedEx  
EXPRESS



J410192070228

Ship Date: 27MAR14  
ActWgt: 1.0 LB  
CAD: 2840228/NET3490

Delivery Address Bar Code



Ref # 010629 2924798-000001  
Invoice #  
PO #  
Dept #

Q24 / 0

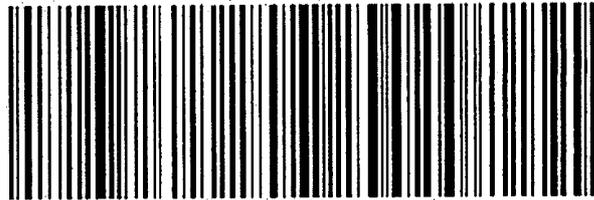
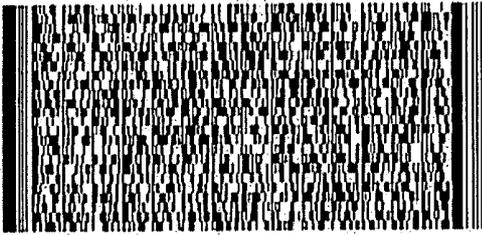
SHIP TO: (423) 756-2010 BILL SENDER  
California Service Center  
USCIS  
24000 Avila Road, 2nd Floor  
LAGUNA NIGUEL, CA 92677

FRI - 28 MAR AA  
STANDARD OVERNIGHT

TRK# 7983 5287 3300  
0201

92677  
CA-US  
SNA

XH JORA



5225190045 P220



U.S. Citizenship  
and Immigration  
Services

February 13, 2015

Martin Angiulli  
Kentucky Regional Center DBA Midwest EB-5 Regional Center – **Designation Terminated**  
2612 Vine Street  
Cincinnati, OH 45129

#### Notice of Termination

This letter shall serve as notification that U.S. Citizenship and Immigration Services (“USCIS”) has terminated the designation of Kentucky Regional Center DBA Midwest EB-5 Regional Center (“MERC”) as a regional center under the Immigrant Investor Program (“Program”) pursuant to Title 8 of the Code of Federal Regulations (“8 C.F.R.”) section 204.6(m)(6).

The regulation at 8 C.F.R. § 204.6(m)(6) provides:

*Termination of participation of regional centers.* To ensure that regional centers continue 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, or increased domestic capital investment in the approved geographic area. Such information must be submitted to USCIS on an annual basis, on a cumulative basis, and/or as otherwise requested by USCIS, using a form designated for this purpose. USCIS will issue a notice of intent to terminate the participation of a regional center in the pilot program if a regional center fails to submit the required information or upon a determination that the regional center no longer serves the purpose of promoting economic growth, including increased export sales, improved regional productivity, job creation, and increased domestic capital investment. The notice of intent to terminate shall be made upon notice to the regional center and shall set forth the reasons for termination. The regional center must be provided 30 days from receipt of the notice of intent to terminate to offer evidence in opposition to the ground or

grounds alleged in the notice of intent to terminate. If USCIS determines that the regional center's participation in the Pilot Program<sup>1</sup> should be terminated, USCIS shall notify the regional center of the decision and of the reasons for termination. As provided in 8 C.F.R. 103.3, the regional center may appeal the decision to USCIS within 30 days after the service of notice.

On September 17, 2014, USCIS issued a Notice of Intent to Terminate (“NOIT”) to MERC, which afforded MERC 30 calendar days from receipt of the notice to offer evidence in opposition to the grounds alleged in the NOIT. On October 22, 2014, USCIS received a response from MERC to the NOIT (the “NOIT Response”), which did not sufficiently address the grounds alleged in the NOIT. Accordingly, USCIS has determined that MERC's participation in the Program should be terminated. Through this Notice of Termination, USCIS hereby terminates MERC's participation in the Program.

#### **Reasons for Termination**

USCIS has determined that MERC no longer serves the purpose of promoting economic growth, including increased export sales, improved regional productivity, job creation, or increased domestic capital investment. Evidence provided in the NOIT Response also supports USCIS' determination that MERC failed to submit information as required by 8 C.F.R. 204.6(m)(6).

A. MERC no longer serves the purpose of promoting economic growth through the two commercial enterprises under its sponsorship.

i. *MH Entertainment I Regional Center Partnership*

The NOIT outlined why USCIS believed MERC would not realize its stated objective to facilitate EB-5 capital investment in the Manhattan Harbour Project and the associated MH Entertainment I Regional Center Partnership's efforts to create jobs through residential-commercial development of the Dayton, Kentucky riverfront. In the NOIT Response, MERC acknowledged that there has been no activity promoting economic growth through the Manhattan Harbour project, stating that the project “couldn't get all of its financing in place” and was suspended in 2010. MERC states that some meetings

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<sup>1</sup> On September 28, 2012, President Obama signed Public Law 112-176 which amended section 610 of Public Law 102-395. Public Law 112-176 struck the word “pilot” from section 610 of Public Law 102-395 and extended the Immigrant Investor Program until September 30, 2015. See Pub. L. No. 112-176, 126 Stat. 1325 (Sept. 28, 2012). The regulations have not been updated to reflect this statutory amendment.



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construction costs or soft construction costs in this chart do not appear to be legitimate SV ARX Project expenditures. For example, a transfer in the amount of [REDACTED] to then-MERC principal Terry Chan on October 11, 2011 with the memo “Tech Fund” is listed as a hard cost. A November 9, 2011 expenditure in the amount of [REDACTED] at IKEA with the memo “Office Furniture tech fund” is listed as a hard cost. The soft construction cost category also includes expenses which do not appear to be legitimate SV ARX Project expenses. For example, a November 14, 2011 expenditure in the amount of [REDACTED] at an Apple Store with the memo “Tech Fund supplies” is listed as a soft cost. Expenditures for furniture, fixtures, and equipment such as these typically occur near the end of a construction project when the facility is completed and undergoing final outfitting for operations. The items associated with the above expenditures appear to be purchased for the benefit of the regional center rather than as part of the SV ARX Project.

Furthermore, based on evidence in the record, including the NOIT Response, it appears that EB-5 capital was used to cover regional center expenses such as payments for “organizing and marketing expenses, including trips to China”, rather than in furtherance of job creation via the SV ARX Project. In the NOIT Response cover letter, Martin Angiulli acknowledges this and states, “I recognize now that some of the expenditures by SVARX were made for certain organizing and marketing expenses that USCIS prohibits for use of minimum EB-5 capital investment funds.”

In the NOIT, USCIS indicated that there did not appear to be active permits associated with the SV ARX Project. In the NOIT Response, MERC acknowledged that any permits received have expired: “[w]e have been waiting for new investor transfers to come in before we submit the drawings, so that we can get a realistic construction schedule put in place. We don’t want to submit drawings for a permit until we have funds available to complete the construction.” In Exhibit 17 to the NOIT Response, MERC provided a letter from architects Michael and Thomas Toensmeyer asserting the feasibility of obtaining building permits once applications are submitted. The letter discusses permits needed for future work, but does not provide evidence of construction progress to-date.

In the NOIT Response cover letter, Martin Angiulli states that waiting for USCIS adjudication of I-526 petitions “crippled our investor marketing, and the resulting unavailability of capital crippled our development progress.” Exhibit 8 to the NOIT Response – chart from prior MERC owners – shows that [REDACTED] in EB-5 capital was disbursed to the SV ARX Project account by August 2, 2012. Additionally, the November 2013 business plan states, “[a]s a fallback option, in case the requisite amount of capital is not raised through EB-5, SV ARX also has the ability to borrow funds from a number of local, regional and national banks in the area.” The record does not reflect progress in the

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construction and operation of new restaurants consistent with the  EB-5 investment into KRC Fund I, LP.

The NOIT Response cover letter states that progress to-date includes utility work, interior demolition, and roof work. While the SV ARX Project chart of expenditures includes disbursements that appear to be related to this work, categories for recent expenditures also include “Jeff China Trip”, “Las Vegas EB5 conference”, “London trip”, and “Project offering documents.” As Exhibit 20 to the NOIT Response, MERC provided an updated version of the November 2013 Comprehensive Business Plan for KRC Fund I, LP. Page 9 of the business plan includes a “Uses of Capital” table which categorizes all uses of capital into different restaurant concepts and project overhead. The records for the SV ARX Project accounts demonstrate that EB-5 funds invested in 2011 and 2012 were not disbursed in a manner consistent with the job-creating purposes described in the business plan.

Based on the evidence in the record related to the SV ARX Project, including the evidence that MERC provided in the NOIT Response, USCIS has determined that MERC no longer serves the purpose of promoting economic growth, including increased export sales, improved regional productivity, job creation, or increased domestic capital investment through the KRC Fund I, LP.

**B. By failing to meet the monitoring and oversight responsibilities set forth in its designation letter, MERC no longer serves the purpose of promoting economic growth.**

The NOIT asserted that MERC has failed to fulfill the monitoring and oversight responsibilities detailed in MERC's initial regional center designation approval letter dated April 29, 2010. USCIS noted that MERC's responsibilities were reinforced by its fiduciary role as general partner of KRC Fund I, LP, which, as was previously noted, is the only active new commercial enterprise in the regional center. The record, including the NOIT Response, indicates that MERC has not met its management and oversight responsibilities.

*i. Investment inconsistent with statements of regional center principals to USCIS and not tied to promotion of economic growth*

The NOIT referenced a statement from MERC's then-managing principals Terry Chan and Gary Chan dated March 7, 2012 and accompanying several I-526 petitions, indicating:

KRC Fund I, LP has begun advancing loan payments to SV ARX, LLC to begin development portions of the project pursuant to the business plan.

Until the pending amendment is approved, MERC has allocated the investment funds of these seven immigrant investors solely towards job creation activities in the approved restaurant industry. These investor funds have been segregated into a separate pool of EB-5 investor capital. These funds will only go towards the acquisition and renovation of buildings to house restaurants, along with the associated tenant improvements and incentives in the restaurant industry.

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Contrary to this statement, the November 2013 business plan included a reference to an investment in Zipscene, LLC and the NOIT Response indicates that there were additional investments in technology companies that were inconsistent with the statement of the regional center principals. The chart of expenditures for the SV ARX Project, in Exhibit 9 of MERC's NOIT Response, shows a [REDACTED] payment to Source LLC (also referred to as The Source) on November 18, 2011 with the memo "Tech Fund" and a [REDACTED] payment to an entity called Wearcast on November 23, 2011 with the memo "Tech Fund investment." The chart lists additional payments to Source LLC on January 26, 2012 and February 15, 2012 totaling [REDACTED] and these payments are categorized as "Investment – The Source Labs." The investments in Wearcast and Source LLC were not included in the November 2013 Comprehensive Business Plan for KRC Fund I, LP and were not disclosed in MERC's I-924A filings with USCIS. As noted in Section A.ii. above, many of the transactions listed in the chart of expenditures for the SV ARX Project are also inconsistent with the statement that the first seven investors' funds would go solely towards job creation activities in the approved restaurant industry.

Additionally, from financial records provided by MERC in its NOIT Response, USCIS believes that the purchase of MERC by Mr. Angiulli from Messrs. Terry and Gary Chan was funded with EB-5 capital. In Exhibit 9 of the NOIT Response, the chart of expenditures for the SV ARX Project shows that SV ARX purchased the "Colonade" for [REDACTED] on December 21, 2011 using EB-5 capital contributions. Based on an earlier February 2012 Comprehensive Business Plan for KRC Fund I, LP included with I-526 petitions, USCIS understands the Colonade to be a property located at 2718 Vine Street in Cincinnati, Ohio. The expenditure chart shows a deposit to the SV ARX Project account of [REDACTED] on January 24, 2014 from proceeds of the subsequent sale of the Colonade. The chart indicates that [REDACTED] was transferred from the SV ARX Project account to Angiulli, Inc. on January 24, 2014. Since the SV ARX Project account balance was [REDACTED] prior to the deposit of proceeds from the Colonade sale, the majority of the funds for the [REDACTED] payment to Angiulli, Inc. came from the proceeds of the Colonade sale and, consequently, from EB-5 capital contributions. A Letter of Intent included as Exhibit 13 to the NOIT Response shows that Martin Angiulli is the president and owner of Angiulli, Inc. As Exhibit 6 to the NOIT Response, MERC provided a purchase agreement showing that

Martin Angiulli purchased MERC from the Chans for [REDACTED] on January 21, 2014. Based on the timing and dollar amounts of the transactions related to the sale of the Colonade and the purchase of MERC in January 2014, USCIS believes that Martin Angiulli improperly used EB-5 investor funds from the SV ARX Project to purchase MERC from the Chans.

The financial records provided by MERC in its NOIT Response also clearly demonstrate disbursements made to individual principals of MERC that do not relate to the professed business plan as disclosed to investors and do not relate to the creation of jobs. For example, the SV ARX Project chart of expenditures shows that [REDACTED] was transferred from the SV ARX Project account to then-principal Terry Chan in October 2011.

The way investment funds were allocated was inconsistent with MERC statements provided to USCIS and demonstrates MERC's inability to monitor and oversee investment activities under its sponsorship and, by extension, its failure to promote economic growth.

*ii. Failure to fully account for EB-5 capital investments*

The NOIT alleged that MERC has not fully accounted for EB-5 capital investments under its sponsorship. In its I-924A filing for the fiscal year ending September 30, 2012, MERC indicated that it sponsored [REDACTED] in aggregate capital investment through KRC Fund I, LP. In the same filing, MERC indicated that KRC Fund I, LP served as a vehicle for investment into two job-creating businesses – [REDACTED] in SV ARX, LLC and [REDACTED] in Zipscene, LLC. The sum of investments in the two job-creating businesses is [REDACTED] leaving [REDACTED] unaccounted for in the filing.

The NOIT Response indicates that MERC remains unable to account for the full [REDACTED] in EB-5 capital investment. As Exhibit 8 to the NOIT Response, MERC provided a chart from MERC's prior owners showing "funds loaned to or paid on behalf of SVARX, LLC" by KRC Fund I, LP. Notwithstanding USCIS concerns regarding the figures provided in this chart, the total of the transactions is [REDACTED]. In the NOIT Response cover letter, Martin Angiulli acknowledges that MERC remains unable to account for all EB-5 capital investments under MERC's sponsorship:

We note this totals only [REDACTED]. We have asked the former owners of MERC for an accounting of the remaining amount of [REDACTED] as well as certain early transfers out of SVARX when the former owners of MERC had authority to make such transfers, but we have not yet received that accounting with supporting evidence.

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Additionally, the NOIT Response – in both the chart of SV ARX Project expenditures and the chart from previous MERC owners – shows that [REDACTED] of EB-5 capital was deposited into the SV ARX Project account, all during the fiscal year ending September 30, 2012. The record demonstrates that, contrary to the SV ARX Project business plan, KRC Fund I, LP did not loan all EB-5 capital to SVARX, LLC. Furthermore, the amount of EB-5 capital that was deposited into the SV ARX Project account is not consistent with the amount that MERC reported was invested in SV ARX, LLC – [REDACTED] – in its I-924A filing for the fiscal year ending September 30, 2012.

The failure to fully account for EB-5 capital investment demonstrates MERC's inability to monitor and oversee investment activities under its sponsorship and, by extension, its failure to promote economic growth.

C. MERC failed to submit required information to USCIS by failing to account for EB-5 capital investments

Based on evidence in the NOIT Response, USCIS confirms that information MERC provided in its Form I-924A for the fiscal year ending September 30, 2012 was inaccurate and that MERC remains unable to account for the full amount of EB-5 capital investment under its sponsorship. As noted in section B.ii. above, according to its Form I-924A submission for the fiscal year ending September 30, 2012, MERC sponsored [REDACTED] in aggregate capital investment through KRC Fund I, LP, including a [REDACTED] investment in SV ARX, LLC (for the SV ARX Project). Exhibit 8 of the NOIT Response, however, indicates that only [REDACTED] in EB-5 capital contributions was directly transferred into the SV ARX Project account.

Referring to the accounting presented in Exhibit 8, Martin Angiulli states in the NOIT Response cover letter, "I report this without vouching for its accuracy." Even if one were to accept the accounting presented in Exhibit 8 of total "funds loaned to or paid on behalf of SVARX, LLC" as [REDACTED] the NOIT Response does not reconcile the inconsistencies noted and fails to account for the full [REDACTED] of EB-5 capital investment. The record, including the NOIT Response, indicates that MERC's Form I-924A submission was inaccurate and omitted required information.

Pursuant to 8 C.F.R. 204.6(m)(6), USCIS has determined that MERC failed to submit required information to USCIS.

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### **Conclusion**

For the reasons listed above and set forth in the NOIT and pursuant to 8 C.F.R. 204.6(m)(6), USCIS has determined that MERC no longer serves the purpose of promoting economic growth and has failed to submit required information to USCIS and hereby terminates MERC's participation in the Program. Since the record is clear that MERC no longer serves the purpose of promoting economic growth and has failed to submit required information to USCIS, USCIS does not believe that a personal interview with MERC's principal is necessary.

### **Procedure to Appeal the Decision to Terminate**

If you disagree with this decision, or if you have additional evidence that shows this decision is incorrect, you may file a motion or an appeal to this decision by filing a completed Form I-290B, Notice of Appeal or Motion, along with the appropriate filing fee. A copy is enclosed. You may also include a brief or other written statement and additional evidence in support of your motion or appeal. The Form I-290B must be filed within 33 calendar days from the date of this notice. If a motion or appeal is not filed within 33 calendar days, this decision is final.

You must send your completed Form I-290B and supporting documentation with the appropriate filing fee to the address indicated below.

**If using the U.S. Postal Service:**

USCIS  
P.O. Box 660168  
Dallas, TX 75266

**If using USPS Express Mail/Courier:**

USCIS  
Attn: I-290B  
2501 S. State Highway 121  
Business  
Suite 400  
Lewisville, TX 75067

Your motion or appeal must be filed on Form I-290B and must be accompanied by a fee of \$630.00. The check or money order used for the Form I-290B filing fee must be drawn from a bank or other financial institution located in the United States and must be payable to U.S. Department of Homeland Security.

Kentucky Regional Center DBA Midwest EB-5 Regional Center – Designation Terminated  
ID (formerly 1031910178)  
RCW1031910178  
Page 10

In support of your appeal, you may submit a brief or other written statement for consideration at the time of initial filing of the Form I-290B or within 30 calendar days of filing. If you are filing an appeal of this decision, you may, if necessary and for good cause, request additional time to submit a brief or other statement by submitting a written explanation for the need for additional time. Any brief, written statement or other evidence in support of an appeal that is not filed concurrently with Form I-290B, including any request for additional time for the submission of a brief, must be sent directly to the Administrative Appeals Office (AAO) at:

USCIS  
Administrative Appeals Office  
20 Massachusetts Avenue, NW  
Mail Stop 2090  
Washington DC 20529-2090

The appeal of the termination may not be filed directly with the AAO. The appeal of the termination must be filed in accordance with the Form I-290B instructions and at the address indicated above.

For more information about the filing requirements for appeals and motions, please see 8 C.F.R. § 103.3 or 103.5, or visit the USCIS website at [www.uscis.gov](http://www.uscis.gov).

Sincerely,



Nicholas Colucci  
Chief, Immigrant Investor Program

Enclosure:(1) Form I-290B with instructions  
(2) Notice of Intent to Terminate issued on September 17, 2014

cc: Robert Divine  
Baker Donelson  
1800 Republic Centre  
633 Chestnut Street  
Chattanooga, TN 37450