



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

May 20, 2015

Stella Zhang  
C/O Farm for America, LLC  
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Long Beach, CA 90831

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

Applicant: Farm for America, LLC

Re: Request to Amend Regional Center Designation  
Farm One, LLLP  
RCW1336451534 / ID1031910018

This notice is in reference to the Form I-924, Application for Regional Center Under the Immigrant Investor Pilot Program that was filed by the applicant with the U.S. Citizenship and Immigration Services ("USCIS") on December 30, 2013. The Form I-924 application 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.
- B. Effective the date of this notice, USCIS approves the regional center's organization structure discussed in Section III of this notice.
- C. Effective the date of this notice, USCIS approves the regional center's administration discussed in Section III of this notice.
- D. Effective the date of this notice, USCIS approves the Farm One, LLLP project based on the evidence submitted with the above referenced Form I-924 and exemplar Form I-526. The applicant has shown by a preponderance of the evidence that the Farm One, LLLP will be a new commercial enterprise (NCE) and that the project is likely to result in the creation of at least  jobs. USCIS will give deference to the applicant's estimates of actual job creation and economic analysis, the business plan,

(b)(4)

and the organizational documents, offering memorandum, and investment agreements in subsequent related filings of any Form I-526 filed by an individual investor associated with the Farm One, LLLP project. Deference, however, will not apply if the underlying facts have materially changed, there is evidence of fraud or misrepresentation in the record of proceeding, or the previously favorable decision is determined to be legally deficient (involved an objective mistake of fact or law).

**II. Procedural History**

On May 2, 2011, USCIS approved the Farm for America, LLC for participation in the Immigrant Investor Program as a designated regional center. Based on the initial designation the Farm for America, LLC obtained approval for the following geographic area, industry categories.

<b>Geographic Area</b>		
<b>State</b>	<b>Counties/Cities</b>	<b>Approval Date</b>
Washington	Benton County	May 2, 2011
	Franklin County	May 2, 2011
	Chelan County	May 2, 2011
	Klickitat County	May 2, 2011
	Douglas County	May 2, 2011
	Okanogan County	May 2, 2011
	Grant County	May 2, 2011
	Walla Walla County	May 2, 2011

<b>Industry Categories</b>		
<b>NAICS</b>	<b>Industry Name</b>	<b>Approval Date</b>
1119	Other Farming	May 2, 2011
1112	Vegetable Farming	May 2, 2011

**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
111332	Grape Vineyards
2362	Nonresidential Building Construction
72111	Hotels (except Casino Hotels) and Motels
5413	Architectural, Engineering, and Related Services
31213	Wineries
7225	Restaurants and Other Eating Places
7224	Drinking Places (Alcoholic Beverages)

### B. Organizational Structure

USCIS approves the applicant's amendment request to change its organizational structure to recognize Farms for America, LLC incorporated on November 27, 2012 to carry the designation and conduct business for the regional center.

### C. Administration Change

USCIS approves the applicant's amendment request to change its administration. The applicant's administration has changed with Stella Zhang as the new principal for Farms for America, LLC. Tobin Butcher, the previous principal will maintain a passive role in management of the regional center as a consultant.

### D. Project

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

Project	Type of Project	Organization Documents	Date of Document
E'ritage, LLC  Geographic Location: State of Washington  Exemplar of Form I-526	Vineyard Resort	E'ritage, LLC Business Plan	March 2015
		Economic Analysis	March 2015
	Investment: Loan	Subscription Agreement for Farm One, LLLP	Submitted 12/30/2013
		Limited Partnership Agreement for Farm One, LLLP	Submitted 12/30/2013
		Loan agreement between Farm One, LLLP and E'ritage, LLC	11/15/2013
		E'ritage, LLC Business Plan	Submitted 12/30/2013

**Note:** If material changes to this project and its supporting documents are found in a subsequent Form I-526 petition or Form I-829, Petition by Entrepreneur to Remove Conditions, USCIS will review the supporting documents once more to ensure continued compliance with EB-5 program requirements.

The applicant seeks to use EB-5 capital to purchase, construct and operate a 368 acre vineyard resort in Walla Walla Washington. The vineyard resort will consist of a vineyard, commercial cottages, a restaurant, and a tourism/event center. The requested amendment identifies the NCE of the proposed project as Farm One, LLLP which was formed in the

State of Washington on November 12, 2013. [redacted] EB-5 investors are expected to subscribe to the NCE as limited partners in exchange for capital contributions of [redacted] each and an aggregate of [redacted]

(b)(4)



**IV. Job Creation**

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

NAICS <sup>2</sup>	Industry Name	Input (\$Millions)/ Direct Jobs	Multiplier	Jobs
11332	Agricultural Activities	[redacted]		
5413	Architecture/Engineering			
237	Construction			
2362	Building Construction			
5617	Landscaping			
4232, 4238	Equipment & Fixture Expenditures			
5411	Legal/accounting			
5511	Administrative			
5418	Marketing			
5416	Consulting			
447	Fuel			
111332	Vineyard/Winery			
7225	Full-service restaurant			
721110	Cottages			
	Event Center			
7224	Tasting room			
5511	Facility Management			
<b>Total Jobs:</b>				

(b)(4)

\* Only indirect and induced jobs.

<sup>2</sup> These industry codes are used for informational purposes in estimating job creation and do not limit the economic or job creating activity of an approved regional center or its investors. Jobs created in industries not previously identified in the economic methodology may still be credited to the investors in subsequent Form I-526 and Form I-829 filings, as long as the evidence in the record establishes that it is probably true that the requisite jobs are estimated to be created, or have been created, in those additional industries.

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

(b)(4) The economic analysis accurately portrays the assumptions stated in the business plan, and the calculations using IMPLAN multipliers are verifiable. The applicant has shown by a preponderance of the evidence that the project is expected to result in the creation of approximately [redacted] jobs including [redacted] jobs created from expenditure in construction activities and [redacted] direct, indirect and induced jobs created from operation of the Vineyard resort associated with the Farm One, LLLP project.

USCIS will give deference to the job creation methodology when adjudicating Forms I-526 and I-829 associated with Farm One, LLLP. Deference, however, will not apply if the underlying facts have materially changed, there is evidence of fraud or misrepresentation in the record of proceeding, or the previously favorable decision is determined to be legally deficient (involved an objective mistake of fact or law).

It will be the responsibility of the individual investor to demonstrate that the assumptions and estimates presented as inputs to the job creation methodology remain materially unchanged when he or she files a Form I-526. When filing Form I-829 for removal of conditional status, the individual investor has the burden of demonstrating that the assumptions and estimates presented as inputs to the job creation methodology have not materially changed and have been realized (or can be expected to be realized within a reasonable time). If the assumptions and estimates presented as inputs to the job creation methodology have materially changed, an updated business plan and economic analysis may need to be submitted to establish eligibility.

If the job creation estimated in the business plan and economic analysis 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 based on the Farm One, LLLP project**

Each individual petition, in order to demonstrate that it is affiliated with the Farm for America, LLC, 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 the individual immigrant investor will more likely than not create ten (10) jobs.

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*.
4. Legally executed organizational documents of the commercial enterprise. The documents may be the same documents noted in Section III of this approval notice.

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

#### **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.

#### **VII. Legal Notice**

This approval and designation of a Regional Center under the Immigrant Investor Program does not constitute or imply an endorsement or recommendation by USCIS, the United States Government or any instrumentality thereof, of the investment opportunities, projects or other business activities related to or undertaken by such Regional Center. Except as expressly set forth in this approval and designation, USCIS has not reviewed any information provided in connection with or otherwise related to the Regional Center for compliance with relevant securities laws or any other laws unrelated to eligibility for

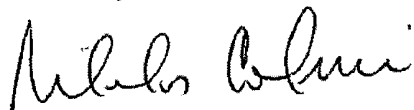
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designation as a Regional Center. Accordingly USCIS makes no determination or representation whatsoever regarding the compliance of either the Regional Center or associated New Commercial Enterprises with such laws.

Each Regional Center designated by USCIS must monitor and oversee all investment offerings and activities associated with, through or under the sponsorship of the Regional Center. The failure of an associated New Commercial Enterprise to comply with all laws and regulations related to such investment offerings and activities may result in the issuance by USCIS of a notice of intent to terminate the 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,



Nicholas Colucci  
Chief, Immigrant Investor Program

cc: Adrian Toh  
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