

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTERS OF
ROBERT LUBIN**

VS. DOCKET NOS. 24-053-130896 and 24-053-132345

CONSENT TO REVOCATION MEMORANDUM ORDER

A panel of the Virginia State Bar Disciplinary Board (the “Board”) heard these matters on October 24, 2025. Panel members included Yvonne S. Gibney (“Chair”); Michael C. Moore; Joseph D. Platania; Donita M. King; and Elisabeth Martingayle, Lay Member. The Chair polled members of the Panel as to whether any of them had any personal or financial interest that may affect, or may be reasonably perceived to affect, their ability to be impartial, to which inquiry each member responded in the negative.

Elisabeth K. Shoenfeld, Senior Assistant Bar Counsel, represented the Virginia State Bar (the “Bar”). Paulo E. Franco, Jr. represented the Respondent, Robert Lubin. The Respondent had notice of the proceeding but chose not to appear.

Beverly S. Horne, court reporter, Chandler & Halasz Court Reporters, PO Box 9349, Richmond VA 23227, (804) 730-1222, after having been duly sworn, reported the hearing and transcribed the proceeding.

The Clerk of the Disciplinary System (“Clerk”) timely sent all legal notices of the date and place in the manner prescribed by Part Six, Section IV, Paragraph 13-18 of the *Rules of the Supreme Court of Virginia* (“Rules” or “Rule”).

These matters came before the Board on the Subcommittee Determination (Certification) of the Fifth District Subcommittee, Section III, pursuant to Part Six, Section IV, Paragraphs 13-18 and 13-28 of the *Rules*, involving misconduct charges against the Respondent.

Prior to the hearing, Respondent, through counsel, submitted and presented to the Board an Affidavit Declaring Consent to Revocation (hereinafter “Affidavit”) of his license to practice law in the courts of this Commonwealth to become effective seven days after the hearing – on October 31, 2025. The Bar thereafter filed a written objection to the Affidavit solely with respect to the Affidavit’s delayed effective date. The Bar contends that the consent to revocation should become effective on the date of the hearing – on October 24, 2025. As a result of the Bar’s objection, ¶13-28 requires the Board to “hold a hearing on whether the affidavit and consent to revocation should be accepted.” Accordingly, the Chair directed the parties to present at the hearing their evidence and argument in support of their positions concerning the effective date of the consent to revocation.

At the outset of the hearing Respondent’s counsel confirmed that Respondent will not withdraw his consent to revocation if the Board sustains the Bar’s objection. The Board then heard arguments from both Bar Counsel and Respondent’s attorney and considered relevant legal authority provided.

Following deliberation, the Board reconvened and announced its decision.

To the extent that ¶13-28 gives the Board the ability to delay entry of the Consent to Revocation, the Board declines to do so, the majority of the Board finding that the reasons advanced for delaying entry of the Consent to Revocation are insufficient. The Board therefore imposes the Consent to Revocation effective October 24, 2025.

It is therefore **ORDERED** that Respondent Robert Lubin’s license to practice law in the courts of this Commonwealth be and the same hereby is revoked, and that the name of Robert Lubin be stricken from the Roll of Attorneys of this Commonwealth. The Affidavit Declaring Consent to Revocation filed in these matters is attached and hereby incorporated into the Order.

It is further **ORDERED** that Respondent must comply with the requirements of Part Six, Section IV, Paragraph 13-29 of the *Rules*. The Respondent must forthwith give notice by certified mail of the Revocation of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing Attorneys and presiding Judges in pending litigation. The Respondent must also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his clients. The Respondent must give such notice immediately and in no event later than 14 days of the effective date of the Revocation, and make such arrangements as are required herein as soon as is practicable and in no event later than 45 days of the effective date of the Revocation. The Respondent must also furnish proof to the Clerk within 60 days of the effective date of the Revocation that such notices have been timely given and such arrangements have been made for the disposition of matters.

It is further **ORDERED** that if the Respondent is not handling any client matters on the effective date of the Revocation, he shall submit an affidavit to that effect within 60 days of the effective date of the Revocation to the Clerk. The Board must decide all issues concerning the adequacy of the notice and arrangements required herein. The burden of proof shall be on the Respondent to show compliance.

It is further **ORDERED** that pursuant to Part Six, §IV, ¶13-9. E of the *Rules*, the Clerk shall assess costs against the Respondent.

It is further **ORDERED** that the Clerk shall mail an attested copy of this Order to Respondent Robert Lubin by electronic, first-class and certified mail, return receipt requested, to his Virginia State Bar address of record at Robert Lubin, American International & Immigration Law, 580 Herndon Parkway, Suite 700, Herndon VA, 20170 and a copy by electronic mail to

Respondent's Counsel, Paulo E. Franco, Jr., and to Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel.

ENTERED this 28th day of October 2025

VIRGINIA STATE BAR DISCIPLINARY BOARD

Yvonne S. Gibney

Digitally signed by Yvonne S.
Gibney

Date: 2025.10.28 15:17:38 -04'00'

Yvonne S. Gibney, Chair Designate

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OCT. 23 2025

VSB CLERK'S OFFICE

VIRGINIA :

BEFORE THE DISCIPLINARY BOARD OF THE
VIRGINIA STATE BAR

IN THE MATTERS OF
ROBERT LUBIN

VSB Docket Nos. 24-053-132345 and
24-053-130896

AFFIDAVIT DECLARING CONSENT TO REVOCATION

COMES NOW Respondent, Robert Lubin, pursuant to Part 6, Section IV, Paragraph 13-28 of the Rules of the Supreme Court of Virginia, and after being duly sworn states as follows:

1. I was admitted to the practice of law in the Commonwealth of Virginia in 1994.
2. I submit this Affidavit as my Declaration of Consent to Revocation pursuant to the Rules of the Supreme Court of Virginia.
3. My consent to revocation is freely and voluntarily rendered. I am not being subjected to coercion or duress, and counsel of my own choosing assisted me in preparing this consent. I am fully aware of the implications of consenting to the revocation of my license to practice law in the Commonwealth of Virginia.
4. I am aware that there is currently pending against me allegations of Misconduct in the Certification dated April 10, 2025, the docket numbers of which are set forth above, and which is currently set for hearing before the Disciplinary Board of the Virginia State Bar on October 24, 2025, the nature of which is described in Paragraphs 5-32 of this Affidavit.

VSB Docket No. 24-053-132345 (Complainant Huseyin Ozdemir)
5. Mr. Huseyin Ozdemir sought an EB-5 visa to the United States and retained my law firm American International & Immigration Law ("AAIL") to assist him in that regard.
6. The EB-5 Immigrant Investor Program available at the time that Mr. Ozdemir sought his visa required, among other things, a minimum investment of \$500,000 in a job creating

enterprise that created at least 10 jobs in the United States in a commercial zone designated by the United States Customs and Immigration Service (“USCIS”). A person seeking an EB-5 Visa would invest money first into an entity known as a new commercial enterprise authorized by USCIS (“NCE”) that would in turn invest in a pre-approved job creating enterprise (“JCE”).

7. AIII prepared and submitted a Form I-526 Petition to begin the application process. To meet the requirements for obtaining the provisional visa through I-526 Petition, Mr. Ozdemir invested his funds in an existing NCE known as GBR, Limited Partnership (“GBR”). The general partner of GBR is Red Leaf Development, LLC (“Red Leaf”), and I was at all times relevant a managing member of Red Leaf.

8. GBR was an equity holder in a pre-approved JCE known as Centennial Plaza, located in Gulfport Mississippi (“Centennial”).

9. Centennial, the JCE, was a mixed used development project that consisted of, among other things, a hotel, meeting center, restaurants, and other recreational facilities, which was to be an adaptive reuse developed on the site of a historic hospital.

10. Mr. Ozdemir invested \$500,000 by purchasing a limited partnership unit in GBR with the express understanding that if his I-526 Petition was approved or otherwise agreed to in writing, his money would be invested in the JCE known as Centennial, pursuant to the agreements that he subsequently signed. This at-risk investment would be sufficient to satisfy the minimum requirements in obtaining an EB-5 visa.

11. Mr. Ozdemir executed a waiver of conflict document (“Waiver”) which disclosed my interest in GBR, that the conflicts were waived, and which disclosed his right to seek an independent attorney for any and all matters related to his investment in the United States.

12. Pursuant to the terms of his investment agreement and the I-526 Petition filed with USCIS, Mr. Ozdemir wired \$550,000 to an escrow account created pursuant to an escrow agreement dated September 28, 2015, by and between Washington First Bank and GBR (“Escrow Agreement”). I signed the Escrow Agreement on behalf of GBR. The Escrow Agreement stated that the funds would remain in escrow unless and until (1) the escrow agent received written notice and evidence from GBR that the investor, in this case Mr. Ozdemir’s, I-526 Petition had been approved, in which case the funds would be delivered to GBR; (2) the escrow agent received written notice and evidence from GBR that the investor’s I-526 petition had been denied, in which case the funds would be returned to the investor; or (3) GBR and the investor provided joint written instructions allowing for the early release of the escrowed funds to GBR, in which case the funds would be delivered to GBR.

13. Of the \$550,000 wire, \$500,000 was for Mr. Ozdemir’s investment in the NCE/JCE.

14. On May 18, 2017, AAIL filed the I-526 Petition for Mr. Ozdemir.

15. I deployed the \$500,000 into the JCE prior to USCIS taking any action on Mr. Ozdemir’s I-526 petition.

16. Mr. Ozdemir had not given his consent or authorization to the release of his \$500,000 investment in writing into the JCE.

17. On July 2, 2020, USCIS issued a request for evidence (“RFE”) to clarify that, among other things, the JCE location was a qualified Target Employment Area (“TEA”) in connection with the I-526 Petition.

18. My office prepared a response to the RFE dated July 23, 2020, which provided evidence that the JCE location was in a TEA, and which sent to USCIS on July 27, 2020.

19. On November 28, 2022, USCIS denied Mr. Ozdemir's I-526 Petition on the basis that the RFE response was never received, even though our office produced proof that it delivered the response by Fed Ex to USCIS.

20. Our office suggested that we file a Motion to Re-Open on Mr. Ozdemir's behalf to prove the response was in fact received by USCIS so as to secure the approval.

21. On January 4, 2023, Mr. Ozdemir declined to continue with the EB-5 process when offered the opportunity to do. He cited that his son was attending school in another country at that time, that USCIS took too long to adjudicate his case, and that it worked out to simply not continue. Shortly thereafter, Mr. Ozdemir demanded a refund of his \$500,000.

22. On January 10, 2023, I advised Mr. Ozdemir that I was putting a cancellation agreement together. Although Mr. Ozdemir followed up with me several times, I did not send Mr. Ozdemir the cancellation agreement until June 12, 2023.

23. On June 13, 2023, Mr. Ozdemir and I signed the cancellation agreement ("Cancellation Agreement").

24. Pursuant to the terms of the Cancellation Agreement, I was required to arrange for Mr. Ozdemir to be paid \$250,000 by August 31, 2023, and a second payment of \$250,000 by December 31, 2023. The agreement stated that these funds would come from the GBR escrow account.

25. As of December 31, 2023, neither payment had been made.

26. On May 21, 2024, I reached out to Mr. Ozdemir's retained attorney, Andrea Moseley to advise her that a wire for \$250,000 was being sent to Mr. Ozdemir, which was sent on May 24, 2024.

27. There was a second wire sent to Mr. Ozdemir on August 28, 2024, in the amount of \$250,000.

28. The agreed upon \$500,000 was fully refunded to Mr. Ozdemir, but those funds were not disbursed from GBR's escrow account.

VSB Docket No. 24-053-130896 (Complainant Abbas Nakhili)

29. I did not deposit Mr. Nakhili's advance legal and filing fee into an identifiable trust account.

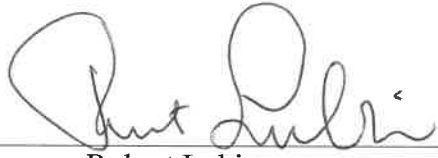
30. I deposited the advance legal and filing fee into AILL's operating account on March 6, 2016, and Mr. Nakhili's I-526 Petition and filing fee were submitted to USCIS on April 25, 2016.

31. I established an Interest on Lawyer Trust Account for AILL in January of 2025.

32. I acknowledge that the material facts upon which the disciplinary proceeding is based, as described above, are true.

33. I submit this Affidavit and hereby Consent to the Revocation of my license to practice law in the Commonwealth of Virginia because I know that if proceedings based upon the above-described conduct were brought to a conclusion, I could not successfully defend the allegations admitted to in this Affidavit.

Executed this 22 day of October, 2025 to be accepted by the Disciplinary Board on the 31st day of October, 2025.



Robert Lubin
Respondent

STATE OF CALIFORNIA

CITY/COUNTY of San Diego, to wit:

The foregoing Affidavit Declaring Consent to Revocation was acknowledged, sworn, and subscribed to before me by Robert Lubic on this 22nd day of October, 2025.



NOTARY PUBLIC

My Commission Expires: 11/07/2027

