


People



Scot Patrick O'Brien

Office Managing Partner

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Scot Patrick O'Brien serves as managing partner of Akerman's Washington, D.C. office. Scot represents public and private companies, including private equity and real-estate-based funds, in corporate, capital markets, financing, and M&A transactions.

Working with public companies, Scot counsels on corporate governance, compliance, and securities offering and reporting requirements.

Working with private companies, Scot serves as outside general counsel to numerous corporate entities on a full range of corporate, securities and financing related matters. For those looking to raise capital, Scot creates investment funds for private equity investments in a variety of enterprises as well as for real estate developments (both property specific and discretionary funds).

For owners, developers and investors in real estate, in addition to creating real estate investment funds (including qualified opportunity funds), Scot assists with real estate financings (working through common, preferred, mezzanine and debt positions), joint ventures, acquisitions, operational and management matters, leases, and dispositions.

For those involved in the EB-5 Immigrant Investor Program, Scot also represents real estate companies (primarily developers and regional centers) in the creation of, and investments in, regional centers and new commercial enterprises under the EB-5 Immigrant Investor Program.

Notable Work

General Advisory:

- Represent Samsung Electronics America Inc. and affiliates in a wide range of corporate, governance, financing, real estate, litigation and bankruptcy matters.

Areas of Experience

Capital Markets
Corporate
Corporate Finance and Lending
Corporate Governance
Distressed Transactions and Corporate Restructuring
EB-5 Immigrant Investor Program
Investment Management
M&A and Private Equity
Real Estate Acquisitions and Sales
Real Estate Financing
Qualified Opportunity Zones

Education

J.D., University of Miami School of Law, 1992, cum laude, *University of Miami Law Review*, Moot Court Board
B.A., Vassar College, 1987
Other, University of Geneva, Switzerland, Certificate of Advanced French Studies, 1985

Admissions

Bars

District of Columbia
Florida

Languages

French

Related Content

Akerman Co-Hosts Webinar on EB-5 Investment Considerations for Investors
June 14, 2023

Akerman Sponsors the Opportunity Zone Expo
May 09, 2019

- Represented one of the largest on-line travel booking companies in corporate, governance, financing, and litigation matters.

M&A: Represented international, regional, and local clients for over \$2 billion in acquisitions, mergers, dispositions, and reorganizations relating to equipment rental and facilities management, manufacturing, internet, electronics, telecom, computer, broadcasting industries, and government contracting.

Public Company Securities Representation:

- Represented the following public clients in securities filings and general corporate matters: Heico Corporation, Republic Services, Inc., GEO Group, Inc., Claire's Stores, Inc., Boca Resorts, Inc./Florida Panthers Holdings, Inc., Equity Media Holdings Corp., NationsRent, Inc. and Advanced Electronic Support Products, Inc. among others.
- As issuer's counsel, represented companies in the computer, telecom, internet, and equipment rental industries as issuer's counsel for \$343 million in underwritten initial public offerings of equity.
- Represented clients in hotel and equipment rental sectors as issuer's counsel for \$515 million in underwritten offerings of debt for companies.

Private Placements of Equity and Debt:

- Represented clients in the real estate, internet, insurance, manufacturing, and equipment rental sectors as issuer's counsel for over \$1 billion in private placements of common stock, preferred stock, partnership and membership interests and convertible debentures.
- Representation as company counsel for tender offers of trust preferred securities.

Venture Capital Investments: Represented investors (including fund) and issuers for \$42 million in venture capital investments in Internet-based companies.

Derivatives: Representation as company counsel for Master Derivative Put Agreements representing over \$300 million in covered transactions.

Private Equity: Represented the following private equity clients in M&A, securities and real estate matters: DLJ Real Estate Capital Partners, Trivest Partners, L.P., and Royal Palm Capital Partners and among others.

Real Estate Funds: Represented real estate private equity companies as company counsel in fund formation, portfolio and individual acquisitions, leasing and sales of office, industrial, research and development, and multi-family projects.

Real Estate Financing:

- Represented various borrowers as company counsel in real estate acquisition, construction and permanent loans from institutional lenders.
- Represented real estate investment company in the purchase of an participation interest in a \$40 plus million loan on a luxury brand hotel development in South Florida.

EB-5 and Opportunity Zone Financing:

- Represented real estate investment companies and developers in equity investments of over \$1.5 billion for projects in California, the District of Columbia, Florida, Georgia, New York, Puerto Rico, Texas, Virginia, Washington, and Wisconsin pursuant to the USCIS “EB-5” Immigrant Investor Program.
- Represented developers in formation of qualified opportunity zone funds for New York and Puerto Rico developments.

JVs, Partnerships and Limited Liability Entities: Represented clients in the real estate, internet, insurance, manufacturing, and equipment rental sectors as issuer’s counsel for over \$300 million in private placements of common stock, preferred stock, partnership and membership interests and convertible debentures.

Real Estate Investments: Represent investors in assessing and structuring equity-based investments in condominium and multifamily investments in New York.

Bank Credit Facilities: Represented clients as company counsel for over \$750 million in bank credit facilities in the manufacturing, corrections, and real estate sectors and as bank counsel for selected secured loans.

Securities Advisory: Representation as company counsel for tender offers of trust preferred securities.

Master Derivative Put Agreements: Representation as company counsel for Master Derivative Put Agreements representing over \$300 million in covered transactions.

Published Work and Lectures

- Akerman/Brevet Capital/JTC Group Webinar, Speaker, “Making an EB-5 Investment Choice: Considerations for Investors and Agents in the New Era: How Do I Protect My Investment,” June 14, 2023
- IIUSA’s *Regional Center Business Journal* Magazine, Co-Author, “Opportunity Zones: Pending IRS Regulations Poised to Facilitate Investments,” May 2019
- *IIUSA EB-5 Advocacy Conference*, Presenter, “Opportunity Zones and EB-5: Working Together to Create Local Economic Advancement,” May 7, 2019
- *Bisnow Multifamily Annual Conference East*, Moderator, “Future of Living: CRE Tech, Innovation, and the Impact of the Shared Economy,” November 28, 2018
- *AILA & IIUSA EB-5 Industry Forum*, Panelist, “Insights from Investment Regulations: SEC Enforcement Actions -What We Know and Why it Matters,” October 29, 2018
- *IIUSA EB-5 Advocacy Conference*, Presenter, “Plan Ahead Before It Is Too Late...Considerations for Successful Business Operations,” April, 2018
- *IIUSA EB-5 Investor Conference*, Presenter, “From Jail Time to SEC Actions, Mandamus to Civil Proceedings (and everything in between): EB-5’s Growing Footprint in the U.S. Court System,” October 2017
- NYSA Capital and Akerman Sponsored *EB-5 Seminar*, Speaker, “EB-5 Financing,” February 2017
- Urban Land Institute, Members Meeting, Moderator/Presenter, “EB-5 Financing - Now in the Major Leagues,” May 2015

- Akerman Sponsored *EB-5 Seminar*, Presenter, “EB-5 Financing - Current Issues and Future Opportunities,” April 2015
- LCR Capital and Akerman Sponsored *EB-5 Seminar*, Presenter, “EB-5 Financing,” February 2015
- Citibank and Akerman Sponsored *EB-5 Seminar*, Presenter, “The Art of the EB-5 Real Estate Transaction,” April 2014
- Urban Land Institute, NYU Schack Institute of Real Estate and Akerman, Presenter, “The Art of the EB-5 Real Estate Transaction,” June 2011
- Washington Metropolitan Area Corporate Counsel Association (WMACCA), Speaker, “A Practical Guide to SEC Comment Letters,” April 2011
- SmartCEO Matrix Event, Moderator, CEO Panel Discussion of Fast Growth, April 2011
- *RSM McGladrey, Inc. Securities Seminar*, Presenter, “Internal Control for Public Companies,” November 2006

Affiliations

- The District of Columbia Bar, Member
- The Florida Bar, Business Law Section, Member
- American Bar Association, Business Law Section, Member
- Urban Land Institute, Member