



RÉSUMÉ – MR MOHAMED FIZAN

1. *Full Name* Mr Mohamed Fizan
2. *Date of Birth* 23rd May 1975
3. *Nationality* Republic of Maldives
4. *Education & Professional Qualifications*
 - 2005: Bachelor of Laws (LL.B) Honours degree, Bond University, Australia.
 - 2002: IELTS Overall Band 8.0 (Department of Public Examinations, Maldives)
 - 1995: 5 London GCE A' Levels (Science Education Centre, Maldives).
 - 1994: Cambridge Certificate of Proficiency in English (Science Education Centre, Maldives)
 - 1992: 7 London GCE O' Levels (Majeediyya School, Maldives).
5. *Awards Received*
 - 2004: First in class, 'Entrepreneurship' at Bond University, Australia (Dean's Award for high achievers).
 - 1995: National Best 10 Students (1995 London GCE A' Levels), Ministry of Education Awards (Maldives)
 - 1995: Best Overall Score (Business Stream students, Science Education Centre, 1995 London GCE A' Levels)
 - 1993: School Best 10 Students (1992 London GCE O' Levels, Majeediyya School)
6. *Languages* English, Maldivian (Dhivehi), Hindi
7. *Membership in Professional Societies*
 - Member of the Maldivian Bar, Maldives Department of Justice
 - Advocate of the Maldives Supreme Court and the Maldives High Court
 - Executive Member of the Maldives Law Society (since 2005)
8. **Employment Record**

[A] From September 2001 to Present –*Employer***Shah, Hussain & Co. Barristers and Attorneys at offices in Malé, Republic of Maldives (<http://www.shclawyers.com>)****Position, and
Areas of Expertise**Position: Partner Lawyer in Private Practice Law FirmExperience and Areas of Expertise:

- Full time Partner Attorney in the largest private law firm in the Maldives specialising in commercial law since 2001.
- Responsible for a variety of legal matters in general commercial practice, with specialist knowledge and extensive experience in:
 - Tourism and travel industry, resort hotel acquisitions, investment structuring and property financing, resort construction and regulatory approvals, planning permissions, hotel branding, hotel management and operations, dealings with international hotel management chains and operators, tour operator contracts and dealings, spa operations, safari and cruise boats operations, dive school operations, guest boutique shop and other resort hotel concessionaire contracts and agreements etc;
 - Financing, especially hotel development and construction financing, advising on industry-specific loan and security regulatory regime, advising on banking and the monetary regime, offshore lending rules, carrying out international/cross border finance due diligence and regulatory compliance, loan documents review and advising, drafting loan and security documents subjected to Maldives law, security documents registration and enforcement, advising on ranking and priority;
 - Trade and foreign investments, regulatory regime governing foreign and local investments, trade finance, trade disputes and settlements;
 - Company law and practices in respect of public corporations and private companies, corporations law regulatory regime, incorporation, administration, and dissolution, equity structuring, raising capital, structuring special internal shareholder arrangements, company secretarial services, auditing, financial statements and reporting requirements etc;
 - Property matters including private sale of land, commercial and residential leases, structuring various commercial enterprise dealings for freehold and state-owned land, property development and finance, mortgaging of freehold and state-owned land etc;
 - Employment and labour law, employment contracts, competition clauses, employer-employee disputes and settlements (with specific emphasis on resort and hotel operators);
 - Intellectual property matters including trademarks registration and protection, publishing cautionary notices, copyright protection;
 - International donor agencies and development assistance, Government projects, insurance claims, aviation matters, etc.;
 - Constitutional matters (acting as Lead Counsel in two landmark cases at the newly constituted Maldives Supreme Court in late 2008).

Duties, and Client baseDuties, Roles, and Client base:

- Advising, assisting and maintaining a diverse and substantial group of commercial clients that includes resort hotel owners, international hotel chain operators and management companies, local and overseas banks and financial institutions, large corporations and public enterprises, major foreign investors, successful private companies and high net-worth individuals;
- Specific legal works undertaken in client dealings include advising and drafting various agreements and legal documents, attending meetings with clients and giving assistance with commercial negotiations, providing written opinions, conducting due diligence searches, dispute resolution and settlements, acting as legal counsel in court proceedings etc.

Description of DutiesDescription of Duties: over 8 years of practical knowledge and hands-on experience in:

- Advising on and drafting of various commercial contracts including resort hotel sale contracts, deed of assignments, Government head-lease agreements, sublease agreements, managements contracts, share sale agreements, resort construction and financing contracts, loan agreements, resort hotel mortgage agreements, land mortgage agreements, chattel mortgage agreements, share charge agreements, pledge over stocks and debentures, assignment agreements, security sharing agreements, security accounts assignment agreements, cash collateral agreements, corporate guarantees, personal guarantees, debt subordination deeds, non-disturbance agreements, works completion guarantee etc.;
- Advising on and drafting of various other legal documents including special shareholders agreements, client specific memorandum and articles of association, board minutes and resolutions, commercial and residential lease agreements, private land sale and purchase agreements, title transfer deeds, employment contracts, licensing agreements etc.;
- Negotiations on major business deals and transactions to achieve commercially acceptable outcomes for clients; dispute resolution on a variety of commercial disputes to find amicable solutions to complex legal and business problems;
- Assisting clients on reaching practical and commercial decisions by taking into account factors that go beyond mere legal consequences (that is, analysis of practical/commercial factors in the decision making process); facilitating clients in reaching settlements and preparing dispute settlement deeds etc.;
- Litigation and drafting pleadings and various other court documents (including preparing Statement of Claim, Replies, Defence Statements, Affidavits etc.); acting as legal counsel at the Law Courts of Maldives and other tribunals (including the Maldives Employment Tribunal), and advising clients comprehensively on all aspects of the court processes, including providing cost estimates and prospects of litigation, cost-benefit analysis of litigation against negotiation and other alternative measures and options etc.;
- Advocate of the Maldives Supreme Court and the Maldives High Court.

Key Assignments successfully concluded

Some of the Key Commercial Assignments undertaken recently:

- 2010 – Acting for **Bank of Ceylon Limited** on all matters related to US\$ 8 million loan transaction in connection with the development of a 5-star luxury resort hotel at *Dholhiyadhoo Island*, Shaviyani Atoll, Maldives;
- 2009, 2008, 2007, 2006 – Acting for **Waterfront Pvt Ltd / Constance Hotels** in the *Constance Halaveli Maldives Re-development Project*, including resort hotel construction and project finance, and all matters related to regulatory approvals and loan financing on a periodic basis exceeding US\$ 60 million;
- 2008 – Acting for **Sun Resorts Limited** on all matters related to the acquisition of *Kanuhura Island Resort*, a 5-star luxury resort hotel in the Maldives, and subsequent re-financing of the property acquisition costs by way of a US\$ 30 million loan from Mauritius Commercial Bank Limited;
- 2008 – Acting for **Bank of Ceylon Limited** on all matters related to US\$ 10,500,000 loan transaction in connection with the development of an airport / city hotel in G.Dh Kaadedhoo, Maldives;
- 2008 – Acting for **Mauritius Commercial Bank Limited (MCB)** on all matters related to a US\$ 6 million loan facility to Sonee Hardware for the development of a tourist resort hotel on *G.A. Kuredhoo*, Maldives;
- 2008 – Acting for **Moofushi Investments** and **Constance Hotels** in the dispute resolution process with the previous sublease owners of *Moofushi Island Resort*, with the settlement exceeding US\$ 9 million, and the subsequent sublease acquisition and development of Moofushi, to be operated as the second Constance property in the Maldives;
- 2008 – Advising and assisting **Aareal Bank AG** on all matters related to the US\$ 57,500,000 financing of the sublease acquisition of Full Moon Resort in the Maldives, re-branded as a *Sheraton hotel by Starwood Hotels*;
- 2008 – Acting for **Aitken Spence Hotel Holdings Limited** in the US\$ 2,500,000 transfer and assignment of management rights and interests in respect of *Bathalaa Island Resort* Maldives to a third party operator;
- 2008 – Advising and assisting **Travco Group International**, a hotel group from Middle East, in the head-lease acquisition of B. Vakkaru, Maldives for US\$ 9 million from the Maldives Government;
- 2008 – Advising and assisting SPH Pvt Ltd and Alia Investments in the sublease acquisition of *Bolifushi Island Resort*, to be re-developed and managed as the first **Jumeirah Maldives** property.
- 2008 – Acting for **Maldives Tourism Development Corporation Ltd (MTDC)** on preparation of all bidding documents and placing public tender bids for the sublease of 5 islands for development as tourist resort hotels;
- 2007 – Acting for **Aitken Spence Hotel Holdings Limited** in connection with the acquisition of *Vaadhoo Island Resort*, now a 5-star boutique hotel, for US\$ 13,000,000, and the subsequent financing transaction of US\$ 16 million from Hatton National Bank Colombo in connection with the re-development and re-branding of Vaadhoo as a *Adaaran Prestige* property;
- 2007 – Acting for **Mount Lavinia**, a hotel group from Colombo, on the sublease acquisition of *Vakarufalhi Maldives*, a tourist resort hotel, and the

subsequent re-financing and re-development project;

- 2007 – Advising and assisting **Airport Investments Maldives Pvt Ltd** on the bidding of four islands for development as tourist resort hotels;
- 2006 – Acting for **PROPARCO** in a US\$ 8,700,000 loan facility to Sun Investment Pvt Ltd, in respect of the re-construction of a resort hotel in the Maldives known as *Vilu Reef* following the December 2004 tsunami, and subsequent amendments to the documents made in 2009;
- 2006 – Advising and assisting **Marriott International Inc.** and **Ritz-Carlton** in respect of its first Maldives resort hotel development and management project with the MTDC.
- 2005 – Acting for **Eastinvest Pvt Ltd** and Waterfront Pvt Ltd, owners of the 5-star boutique resort hotel *Constance Halaveli Maldives*, in the sublease acquisition and ownership structuring, and US\$ 70 million re-development of Halaveli as the first Constance property in the Maldives.

[B] From September 2005 to present (June 2010)

Employer

The Law Society of the Maldives (Male', Maldives)

Position and Description of Duties

Position: Executive Committee Member

Duties and Experience:

Primarily responsible as 'Exco' members for advising and assisting the President of the Law Society of Maldives ("LSM") in the day-to-day affairs of LSM, expanding LSM membership, organising and carrying out various activities for the legal community, organising and participating in numerous Government-coordinated workshops, participating and providing input and feedback on draft legislation and regulations, and meeting with foreign consultants and local stakeholders on various legal reform projects etc.

9. Contact details

You may contact **Mohamed Fizan** at:

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