

David Waxman



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education

University of Toledo College of Law (J.D., 1986)

The Ohio State University (B.A., 1982)

admissions

Ohio

U.S. District Court for the Northern District of

Ohio

honors

- *Martindale-Hubbell AV*® Preeminent™ Peer Review Rated Lawyer
- Named a “Leading Lawyer” in Northeast Ohio’s *Inside Business Magazine* and *Ohio Business Magazine*, 2002 to date
- *Ohio Super Lawyers* (Real Estate: Business, Environmental, and Business/Corporate), 2017–2023
- *The Best Lawyers in America*® (Real Estate Law), 2020-2023

affiliations

Professional

- Cleveland Metropolitan Bar Association’s Real Estate Law Section, Past Chair; Real

I literally grew up in the real estate business. My family has always been real estate owners, developers, and investors. It’s no surprise, then, that I’m a property owner and investor. This combination provides me the experience to understand the real-world problems and issues that owners, developers, and investors face.

I’m a direct, practical person, and I don’t complicate or “over-lawyer” matters. I like to put puzzle pieces together and structure transactions so they unfold smoothly and clients reach their goals efficiently. It’s essential for me to know not only the client’s business, but also how they think and operate. For example, do they want to budget at the beginning, or later on in the matter? Do they prefer to communicate via email, telephone, or text? I’m careful to tailor my services to each person or company to best meet their needs.

With more than three decades of experience as real estate counsel, property owner, and investor, David Waxman helps clients in the real estate industry translate business goals into the legal structure that will best achieve them.

Serving a national client base, but with a focus on Ohio and other Midwestern states, David advises both individuals and

Estate Law Institute Co-Chairman, 1997–1998

- American Bar Association; Section of Real Property, Trust and Estate Law; Section of Environment, Energy, and Resources
- National Association of Industrial and Office Properties
- Cleveland Leadership Center’s Civic Leadership Institute
- Ohio Petroleum Marketers and Convenience Store Association

Community

- American Jewish Committee, Cleveland: Board Member, 2018–present
- South Euclid, Ohio, Zoning Board of Appeals, 1996; Ward Councilman, Chairman of Legislative Committee and Member, Planning and Zoning Committee, 1996–1999

organizations, including public companies, closely held businesses, lenders, and manufacturers.

Clients rely on him to handle their transactions and matters pertaining to real estate acquisition, development, redevelopment, construction contracts and transactions, environmental compliance and insurance, financing, opportunity zone transactions, leasing, and business acquisitions and divestitures. He helps investors, business owners, real estate developers, and property owners realize opportunities to improve their returns on investment.

David advises clients on the issues that arise in buying and selling businesses and – because he recognizes the fast-paced and high-stakes nature of the market – he places a high priority on putting deals together on time and on budget. He likes the challenge of structuring transactions in a way that allows them to go as smoothly as possible so clients reach their goals as efficiently as possible. He always thoroughly discusses the clients’ plans and objectives to understand in great detail the overall view of their business and how he can best help them accomplish their goals.

In recent years, David has begun applying his real estate, commercial finance, and corporate transactions knowledge base to cannabis industry clients. Advising on matters related to corporate finance, real estate and zoning, contractual issues, transportation, as well as environmental and regulatory matters, David helps marijuana businesses and related entities navigate this dynamic and evolving field.

David is a past Chair of the Cleveland Metropolitan Bar Association’s Real Estate Law Section and frequently speaks at seminars and conferences. He often draws on his wide network of relationships to help clients.

Representative Experience

Real estate:

- Mixed-use development:
- Represented an international, publicly-held company in the sale of a 100-year-old, 52-acre former manufacturing facility in North Canton, Ohio to a developer seeking to

reposition the site as a mixed-use development. The property was made up of over 100 separate parcels acquired over the property's 100-year history and was subject to both United States and Ohio EPA oversight, all of which required seamless teamwork, creative title work, and the use of environmental insurance, indemnities, and guaranties.

- Served as acquisition and financing counsel for a developer of a 500-acre mixed-use development in Raleigh, North Carolina, including the limited offering of securities to investors in the developer's joint venture partner.
- Publicly-traded drug store chain: Represented them in the acquisition, sale, leasing, and environmental aspects of multiple locations throughout the United States.
- Counsel to developers and investors on a wide array of matters on projects such as office buildings, gas stations, warehouse/distribution facilities, manufacturing facilities, condominium and planned unit developments, apartment complexes, residential subdivisions, shopping centers, and hotels.

Environmental:

- Brownfield transactions: For clients who acquire and redevelop such properties, conducted due diligence and structured acquisitions to avoid, minimize, or allocate potential environmental liability, and negotiated environmental insurance policies.
- Superfund sites: Represented Tier I PRPs in Superfund matters.
- Lead-based paint regulations: Counseled clients on compliance with TSCA's lead-based paint regulations and successfully resolved U.S. EPA lead-based paint enforcement actions against them.
- Underground storage tanks: Represented gas station owners and operators on matters pertaining to Ohio's Bureau of Underground Storage Tank Regulations, and for

others before Ohio's Petroleum Underground Storage Tank Release Compensation Board.

- Rulemaking: Participated on Ohio Bureau of Underground Storage Tank Regulations rulemaking committees.

Construction:

- Public library: Represented a public library in construction-related matters (including public bidding requirements) in connection with the major renovation of its main facility.
- Public school districts: Represented public school districts on construction-related documents and public bidding matters.
- Owners, developers, and contractors: Prepared and negotiated construction agreements on behalf of owners, developers, and contractors.

Financing:

- Served as counsel to both lenders and borrowers in connection with construction and permanent financings.

presentations

"Breakout Session," Crain's Cannabis Summit, Cleveland, Ohio, January 25, 2024

"Regulations & Licensing," National Interdisciplinary Cannabis Symposium, Portland, Oregon, December 3, 2023

"PFAS Mitigation Strategies," 2023 International Elastomer Conference, Cleveland, Ohio, October 17, 2023

"Raising Capital: Sources, Options, and Keys to Success," 2023 Midwest Cannatech Conference, Cincinnati, Ohio, June 28, 2023

"Emerging Issues in Cannabis Law," 2023 Midwest Cannatech Conference, Cincinnati, Ohio, June 28, 2023

"A Blunt Discussion of the Emerging Legal Issues Facing the Cannabis Industry Today," Michigan CannaTech Expo, May 3, 2023

published articles

"What's Next For Adult-Use Marijuana In Ohio," *Law360*, August 24, 2023

