

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

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FLORIDA HOUSING
FINANCE CORPORATION

SONRISE VILLAS, LLC,

Petitioner,

v.

FHFC CASE NO.: 2002-0022

FLORIDA HOUSING FINANCE
CORPORATION,

APPLICATION NO.: 2002-020CS

Respondent.

_____ /

FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation ("Board") for consideration and final agency action on October 10, 2002. On or before April 15, 2002, Petitioner submitted its Application to Florida Housing Finance Corporation ("Florida Housing") to compete for an allocation of Housing Credits and SAIL funds. Petitioner timely filed a Petition for Hearing Pursuant to Section 120.57(2), Florida Statutes (the "Petition") challenging Florida Housing's scoring on parts of the Application. Florida Housing reviewed the Petition pursuant to Section 120.569(c), Florida Statutes. An informal hearing was held in this case on August 29, 2002, in Tallahassee, Florida, before Florida Housing appointed Hearing Officer, Diane D. Tremor. Petitioner and Respondent timely filed a Joint Proposed Recommended Order.

After consideration of the evidence and the Joint Proposed Recommended Order, the Hearing Officer issued a Recommended Order. A true and correct copy of the Recommended

Order is attached hereto as "Exhibit A." The Hearing Officer recommended Florida Housing enter a Final Order awarding one point for its cure to Exhibit 37 of the Application.

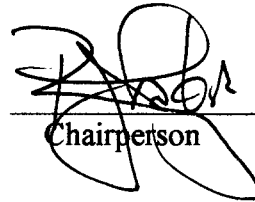
In accordance with the foregoing, it is hereby **ORDERED**:

The Hearing Officer's recommendation that a Final Order be entered awarding one point for its cure to Exhibit 37 of the Application is approved and accepted as the appropriate disposition of this case. Accordingly, one point is awarded to Petitioner for its cure to Exhibit 37 of the Application.

DONE and ORDERED this 10th day of October, 2002.

FLORIDA HOUSING FINANCE
CORPORATION

By: _____



Chairperson

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE FLORIDA HOUSING FINANCE CORPORATION, 227 NORTH BRONOUGH STREET, SUITE 5000, TALLAHASSEE, FLORIDA 32301-1329, AND A SECOND COPY, ACCOMPANIED BY THE FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, 300 MARTIN LUTHER KING, JR., BLVD., TALLAHASSEE, FLORIDA 32399-1850, OR IN THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

Copies to:

Paula J. Reeves
Authorized Representative
Florida Housing Finance Corporation
337 North Bronough Street, Suite 5000
Tallahassee, FL 32301

Lloyd J. Boggio
2937 SW 27 Avenue
Suite 303
Miami, FL 33133

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

SONRISE VILLAS, LLC,

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**FHFC CASE NO. 2002-0022
Application No. 2002-020CS**

**FLORIDA HOUSING FINANCE
CORPORATION,**

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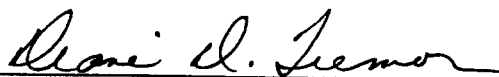
ORDER

This matter was scheduled for an informal administrative hearing on August 29, 2002, pursuant to Sections 120.569 and 120.57(2), Florida Statutes, before the undersigned Hearing Officer. Prior to convening the hearing, Paula C. Reeves, the approved Qualified Representative for the Respondent, Florida Housing Finance Corporation, announced that the parties had resolved the sole issue raised in the Petition for Hearing, and had agreed to a Joint Proposed Recommended Order, which is attached hereto as Exhibit A. In essence, the parties agreed that Respondent had inadvertently overlooked a cure item and that Petitioner should be awarded one (1) point for its cure to Exhibit 37.

Based upon this agreement and the Joint Proposed Recommended Order, there was no need to convene the hearing, and the issues raised in the Petition are moot. Accordingly, no Findings of Fact or Conclusions of Law are made herein. The

parties' agreement and recommended disposition are set forth in Exhibit A, attached hereto.

Respectfully submitted and entered this 6th day of September, 2002.



DIANE D. TREMOR
Hearing Officer for Florida Housing
Finance Corporation
Rose, Sundstrom & Bentley, LLP
2548 Blirstone Pines Drive
Tallahassee, Florida 32301
(850) 877-6555

Copies furnished to:

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Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
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Paula C. Reeves
Legal Division
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
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Lloyd J. Boggio, President
TCG Sonrise, Inc.
2937 S.W. 27 Avenue, Ste. 303
Miami, FL 33133

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FLORIDA HOUSING FINANCE CORPORATION

SONRISE VILLAS, LLC.,

Petitioner,

v.

CASE NO. 2002-0022

**FLORIDA HOUSING
FINANCE CORPORATION,**

Respondent.

_____ /

JOINT PROPOSED RECOMMENDED ORDER

Sonrise Villas, LLC ("Petitioner") and FLORIDA HOUSING FINANCE CORPORATION

("Florida Housing") hereby present the following Joint Proposed Recommended Order:

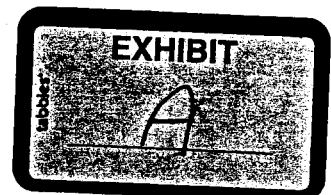
APPEARANCES

For Petitioner:

**Lloyd J. Boggio
President, TCG Sonrise, Inc.
2937 SW 27th Avenue, Suite 303
Miami, Florida 33133**

For Respondent:

**Paula C. Reeves
Legal Division
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329**



PRELIMINARY STATEMENT

Petitioner applied for funding during the 2002 Universal Cycle, seeking both State Apartment Incentive Loan ("SAIL") funding and an allocation of Low Income Housing Tax Credits ("Housing Credits"). Petitioner was notified by Florida Housing of its final scores on or about July 22, 2002. Petitioner appealed the score and seeks an award of one additional point. The parties agree that Petitioner should have been awarded one point for its cure to Exhibit 37.

FINDINGS OF FACT

1. Petitioner submitted an application to Florida Housing for the award of funds for the development of affordable rental housing in the 2002 Universal Cycle. During this process, an applicant may be allowed to correct, or cure, a defect in its application. Petitioner did, in fact, provide a proper and timely cure to its Exhibit 37.

2. All documentation presented to Florida Housing was properly addressed and reflected on the 2002 Universal Scoring Summary, except for the cure to Exhibit 37. Florida Housing had inadvertently overlooked the cure item, filed by Petitioner with Florida Housing.

3. Petitioner was not awarded one point for Item 12S, Part IV, subsection "b," as part of Exhibit 37 of its cure to Petitioner's application. Petitioner was notified by Florida Housing of its final scores on or about July 22, 2002, that included the one point error in Petitioner's score.

4. Petitioner appealed the score and seeks an award of one additional point.

5. On or about August 6, 2002, Petitioner filed a Petition for Hearing Pursuant to Section 120.57(2), Fla. Stat. The Petition was scheduled for an informal hearing on August 29, 2002.

6. Petitioner asserts, and Florida Housing agrees, that Petitioner's final score should reflect an additional point for Exhibit 37, as provided in the cure.

CONCLUSIONS OF LAW

8. Florida Housing is a public corporation organized under Chapter 420, Fla. Stat. to provide and promote the public welfare by administering the governmental function of financing and refinancing homes and related facilities in Florida to provide decent, safe, and affordable housing to persons and families of low and moderate income levels. In accordance with its statutory mandate, Florida Housing has established, by rule, an application process to evaluate, score, and competitively rank all those who apply for funding through the SAIL or Housing Credit programs. Section 420-507 *et. seq.*, Fla. Stat. and Section 420.5099, *et. seq.*

9. The Universal Cycle is a competitive funding application process, pursuant to Fla. Admin. Code R. 67-48 *et. al.*

10. Applications for funding through the SAIL and Housing Credit programs are included in a single application process, known as the 2002 Universal Cycle, and is governed by Fla. Admin. Code R. Chapter 67-48, *et. seq.*

11. Accordingly, Florida Housing received requests from applicants for SAIL loans and Housing Credit allocations in the 2002 Universal Cycle.

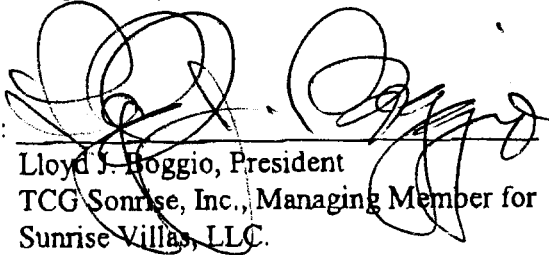
12. Fla. Admin. Code R. 67-48.004(6) allows for the submission of additional documentation to address issues that result in a score of less than the maximum score available in the 2002 Universal Application Cycle. This process is commonly known as the "cure" period.

RECOMMENDED ORDER

Pursuant to Sections 120.569 and 120.57(2), Florida Statutes and Fla. Admin. Code R. 67-47, the Hearing Officer has jurisdiction over the parties to this proceeding. For the reasons set forth above, it is recommended that one point be awarded to Petitioner for the cure to Exhibit 37.

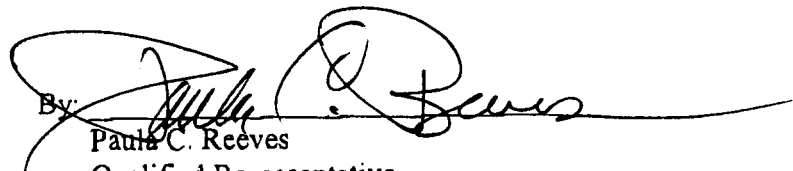
Respectfully submitted,

DATE: 8/28/02

By: 
Lloyd J. Boggio, President
TCG Sunrise, Inc., Managing Member for
Sunrise Villas, LLC.

Respectfully submitted,

DATE: 8/3/02

By: 
Paula C. Reeves
Qualified Representative
Florida Housing Finance Corporation