

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

NEW MIAMI CITY VIEW, LLC,

Petitioner,

v.

FHFC CASE NO.: 2004-034
APPLICATION NO. 2004-012C

FLORIDA HOUSING FINANCE
CORPORATION,

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 September 10, 2004. On, NEW MIAMI CITY VIEW, LLC ("Petitioner") filed its Petition for Review. The Petition is not considered a timely filed petition as it does not comply with the filing requirements as set forth in R. 28-106.301(2) and R. 28-106.104(2), Florida Administrative Code. A Motion to Dismiss was filed by Florida Housing on August 2, 2004. A copy of the Motion to Dismiss is attached as Exhibit A. Florida Housing's designated Hearing Officer, David Ramba, recommended Florida Housing enter a Final Order dismissing Petitioner's Petition for Review. A copy of the Recommended Order is attached as Exhibit B.

ORDER

IT IS HEREBY ORDERED that Petitioner's Petition for Review is dismissed.

DONE and ORDERED this 10th day of September, 2004.

FLORIDA HOUSING FINANCE
CORPORATION

By: 
Chairperson

FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION



/DATE: 9/10/04

Copies to:

Wellington H. Meffert II
General Counsel
Florida Housing Finance Corporation
337 North Bronough Street, Suite 5000
Tallahassee, FL 32301

Steve Auger
Deputy Development Officer
Florida Housing Finance Corporation
337 North Bronough Street, Suite 5000
Tallahassee, FL 32301

Barry S. Goldmeier, Esq.
1101 Brickell Avenue, #402B
Miami, Florida 33131

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.

STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

NEW MIAMI CITY VIEW, LLC,

Petitioner,

v.

FHFC CASE NO.: 2004-034
APPLICATION NO. 2004-0120

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent.

RECOMMENDED ORDER

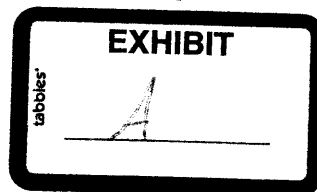
Respondent, FLORIDA HOUSING FINANCE CORPORATION filed a Motion to Dismiss New Miami City View, LLC's Petition for Review on August 2, 2004, alleging material deficiencies in Petitioner's filing, and referring the case to Florida Housing Finance Corporation's appointed Hearing Officer David E. Ramba.

Petitioner has failed to respond in any way to Respondent's Motion to Dismiss within the time allotted under Florida Administrative Code.

Based on the undisputed information in Respondent's Motion to Dismiss, said motion is GRANTED.

Based on the findings and conclusions above, it is hereby RECOMMENDED:

That a Final Order be entered by Respondent Dismissing Petitioner's Petition for Review.



Dated this 14th day of August, 2007



David E. Raniba, Hearing Officer

Copies Furnished to:

Attorney for Respondent
Wellington H. Meffert II, General Counsel
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

Attorney for Petitioner:
Bary S. Goldmeier
1101 Brickell Avenue, #402B
Miami, Florida 33131

STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

NEW MIAMI CITY VIEW, LLC,

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FHFC CASE NO.: 2004-034
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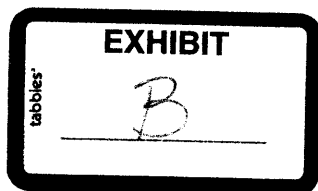
MOTION TO DISMISS

Respondent, FLORIDA HOUSING FINANCE CORPORATION'S, files this Motion to Dismiss the Petition for Review ("Petition"), filed in the referenced cause by Petitioner, NEW MIAMI CITY VIEW, LLC, and says:

1. As noted on the face of the Election of Rights form, the requirements for filing a petition for administrative hearing are stated in Rule Chapter 28-106, Florida Administrative Code.

2. The Petition cannot be considered as a timely filed petition as it does not comply with the filing requirements as set forth in R. 28-106.301(2), Florida Administrative Code, by failing to include the following:

- a. Name and address of the agency and agency's file number;
- b. Name, address and telephone number of the petitioner
- c. An explanation of how the petitioner's substantial interests will be affected by the agency determination;



FILED WITH THE CLERK OF THE FLORIDA
HOUSING FINANCE CORPORATION

Y. M. S. C. /DATE: 8/2/04

Petition for Review

On behalf of New Miami City View, LLC, we are petitioning a review of the points for Item 9S, the Local Government Contribution. The form clearly demonstrates the City Manager's signature prior to the application submission deadline.

The City of Miami in preparing this Fee Waiver considers the information they had provided to be sufficient in preparing this fee waiver and in full compliance with the requirements set forth in the form provided to them.

With the initial local government contribution forms submitted from Miami-Dade County and the fee waiver from the City of Miami submitted in the Cure, clearly we have a dollar amount that far exceeds the \$250,000 requirement for Miami-Dade County. Thus we should not have any points deducted from us.

ELECTION OF RIGHTS

Application Number: 2004-0120 Development Name: City View Towers

- 1. I do not desire a proceeding
- 2. I elect an informal proceeding to be conducted in accordance with Sections 120.569 and 120.57(2), Florida Statutes. In this regard I desire to (Choose one):

submit a written statement and documentary evidence; or

attend an informal hearing to be held in Tallahassee.

Note: Rule 28-106.301, Florida Administrative Code, requires Applicant to submit a petition in a prescribed format. (attached)

- 3. I elect a formal proceeding at the Division of Administrative Hearings. This option is available only if there are disputed issues of material fact.

Note: Applicant must submit an appropriate petition in accordance with Rule 28-106.201, Florida Administrative Code. (attached)

Following are my top eight preferences, in order from 1-8 (with 1 being my first choice, etc.) for scheduling my informal hearing. All formal hearings will be scheduled by the Division of Administrative Hearings.


Hearing Dates:	A.M.	P.M.	Hearing Dates:	A.M.	P.M.
August 18, 2004			August 25, 2004		4
August 20, 2004		1	August 26, 2004		
August 23, 2004		2	August 27, 2004		
August 24, 2004		3	August 31, 2004		

*Matters heard after these dates will likely not be funded in the current Application Cycle.

Please fax a Hearing Schedule to me at this number: (305) 358-5381

(include Area Code)

DATE: 7/30/04


Signature of Petitioner

Name: Barry S. Goldmeier

Address: 1101 Brickell Avenue, #402B

Miami, FL 33131

Phone: (305) 350-9898

(include Area Code)

TO PRESERVE YOUR RIGHT TO A PROCEEDING, YOU MUST RETURN THIS FORM WITHIN TWENTY-ONE (21) DAYS OF RECEIPT OF THIS NOTICE TO THE FLORIDA HOUSING FINANCE CORPORATION AT THE ADDRESS INDICATED IN THE NOTICE OF RIGHTS. TO FACILITATE THE SCHEDULING OF HEARINGS, THIS FORM MAY BE SUBMITTED PRIOR TO FILING A PETITION.