

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

ARBOURS AT AMBASSADOR PLACE, LLC

Petitioner,

FHFC Case No. 2014-041BP
DOAH Case No. 14-0242BID

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

And

PEYTON RIDGE COMMUNITY, LTD.;
LINGO COVE PARTNERS, LTD.; AND
URBAN EDGE PARTNERS II, LTD.,

Intervenors.

FINAL ORDER

This cause came before the Board of Directors of the Florida Housing Finance Corporation (“Board”) for consideration and final agency action on March 13, 2014. The matter for consideration before this Board is an Order Closing File and Relinquishing Jurisdiction pursuant to Section 120.57(1) and (3), Fla. Stat. (2013).

After a review of the record and otherwise being fully advised in these proceedings, this Board finds:

Arbours at Ambassador Place, LLC (the “Petitioner”) timely submitted an Application in response to Request for Applications (RFA) 2013-02 for housing

developments located in Duval, Hillsborough, Orange and Pinellas Counties (the “RFA”) seeking allocations of low income housing tax credits to help fund its proposed development.

On December 13, 2013, the Board accepted the recommendations of a staff review committee assigned to evaluate the RFA Applications, and notified Petitioner and other interested parties of the Board’s intended decision to tentatively award an allocations of low-income tax housing tax credits (“Housing Credits”). Petitioner’s Application was deemed ineligible by the Board due to a shortfall in financing, based on the disqualification of \$2,238,634 in historic tax credits as a financing source. Staff then provided all responders with a Notice of Rights pursuant to Sections 120.569, Fla. Stat. (2013).

Petitioners timely filed a Petition challenging Florida Housing’s scoring of their Application. Interested parties Peyton Ridge Community Ltd. (“Peyton Ridge”), Lingo Cove Partners, Ltd, and Urban Edge Partners II, Ltd. intervened in the case as interested parties. After reviewing the Petition, Florida Housing determined that the allegations included disputed issues of material fact, and forwarded the Petition to the Division of Administrative Hearings for a formal hearing pursuant to Section 120.57(3), Fla. Stat. (2013). A formal hearing was scheduled for February 12, 2014 in Tallahassee, Florida.

Prior to the final hearing, Intervenor Peyton Ridge filed a Motion to Dismiss, in which Florida Housing joined, alleging that Petitioner had failed to provide a proper notice of their protest pursuant to section 120.57(3)(b), F.S. (notice was provided in the name of Developer instead of Applicant entity).

On February 10, 2014 the Administrative Law Judge granted this Motion to Dismiss and issued an Order Closing File and Relinquishing Jurisdiction (“Recommended Order”), recommending that Florida Housing enter a Final Order dismissing the Petition. A copy of this Order is attached hereto as Exhibit A.

No exceptions to this Order have been filed by any party.

RULING ON THE RECOMMENDED ORDER

The Board finds that the conclusions of law of the Recommended Order are reasonable and appropriate under the circumstances, and that Petitioner has waived its right to protest the scoring of its Application, pursuant to Section 120.57(3)(b), Florida Statutes.

ORDER

In accordance with the foregoing, it is hereby found and ordered:

1. The conclusions of law of the Recommended Order are adopted as Florida Housing's conclusions of law and incorporated by reference as though fully set forth in this Order.

2. The Recommendation of the Recommended Order is adopted.

Accordingly, it is found and **ORDERED** that this matter is dismissed for failing to provide proper notice pursuant to Section 120.57(3)(b), Florida Statutes, and the relief requested in the Petition is **DENIED**.

DONE and ORDERED this 14th day of March, 2014.



FLORIDA HOUSING FINANCE CORPORATION

By: _____

Chair

Copies to:

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General Counsel
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Ken Reecy
Director of Multifamily Programs
Florida Housing Finance Corporation
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Tallahassee, Florida 32301

Joseph M. Goldstein
Gary J. Cohen
Shutts & Bowen, LLP
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200 East Broward Boulevard
Fort Lauderdale, Florida 33301

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, 2000 DRAYTON DRIVE, TALLAHASSEE, FLORIDA 32399-0950, 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
DIVISION OF ADMINISTRATIVE HEARINGS

ARBOURS AT AMBASSADOR PLACE,
LLC,

Petitioner,

vs.

Case No. 14-0242BID

FLORIDA HOUSING FINANCE
CORPORATION,

Respondent,

and

PEYTON RIDGE COMMUNITY, LTD;
LINGO COVE PARTNERS, LTD.; AND
URBAN EDGE PARTNERS II, LTD.,

Intervenors.

_____ /

ORDER CLOSING FILE AND RELINQUISHING JURISDICTION

This cause having come before the undersigned on a Motion to Dismiss^{1/} filed by Intervenor, Peyton Ridge Community, LTD, and joined in by Respondent, Florida Housing Finance Corporation, and the undersigned being fully advised in the premises, it is, therefore,

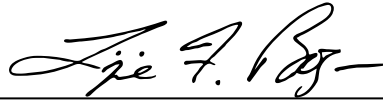
ORDERED that:

1. The Motion to Dismiss is GRANTED, and it is recommended that Respondent enter a Final Order dismissing the instant protest.

2. The final hearing scheduled for February 12, 2014, is canceled.

3. The file of the Division of Administrative Hearings is closed. Jurisdiction is relinquished to Florida Housing Finance Corporation.

DONE AND ORDERED this 10th day of February, 2014, in
Tallahassee, Leon County, Florida.



LINZIE F. BOGAN
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 10th day of February, 2014.

ENDNOTE

^{1/} The Motion to Dismiss is treated as a motion to relinquish jurisdiction to Florida Housing Finance Corporation as authorized by section 120.57(1)(i), Florida Statutes.

COPIES FURNISHED:

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