

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

JANIE POE ASSOCIATES 3, LLC,

Petitioner,

v.

FHFC Case No.: 2013-015BP

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 November 1, 2013. The matter for consideration before this Board is a recommended order pursuant to Section 120.57(2) and (3), Florida Statutes.

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

Janie Poe Associates 3, LLC (“Petitioner” or “Janie Poe”) applied for funding under RFP 2013-07 - PHA Revitalization High Priority Affordable Housing Developments (the “RFP”) seeking an allocation of Low Income Housing Tax Credits to fund a development in in Sarasota County known as Janie’s Garden Phase 3 (the “Development”). Petitioner was notified of the Board’s intended decision to not fund the Development on or about June 21, 2013.

Janie Poe timely filed a Petition and later an “Amended Formal Written Protest and Petition for Administrative Hearing under Sections 120.569 and 120.57(3), Florida Statutes,” (the “Amended Petition”) challenging the Corporation’s rejection of its Application on the grounds that Janie Poe failed to provide sufficient information regarding the Principals of the Developer entity – specifically that Janie Poe did not account for the presence or absence of managers in a limited liability company.

Florida Housing reviewed the Petition pursuant to Section 120.569(2)(c), Florida Statutes, and determined that the Petition did not raise disputed issues of material fact. An informal hearing was held in this case on October 1, 2013, in Tallahassee, Florida, before Florida Housing’s designated Hearing Officer, Christopher D. McGuire. Following the hearing, Petitioner and Respondent timely filed Proposed Recommended Orders.

After reviewing the Proposed Recommended Orders, the Hearing Officer issued a Recommended Order, finding that Florida Housing incorrectly scored the Janie Poe Application with regard to the listing of the Principals of Developer. A copy of the Recommended Order is attached hereto. No written argument or exceptions regarding the Recommended Order has been filed by either party.

The Hearing Officer recommended that Florida Housing adopt a Final Order finding that Florida housing erroneously rejected Petitioner's Application 2013-103C, and awarding Janie Poe its requested funding.

RULING ON THE RECOMMENDED ORDER

The Board finds that the findings of fact and the conclusions of law of the Recommended Order are reasonable and appropriate under the circumstances.

ORDER

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

1. The findings of fact of the Recommended Order are adopted as Florida Housing's findings of fact and incorporated by reference as though fully set forth in this Order.
2. 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.
3. The Recommendation of the Recommended Order is adopted only to the extent that it addresses the issue of Florida Housing's scoring of the Application. *See, Elmwood Terrace Limited Partnership v. Florida Housing Finance Corporation, DOAH Case No. 09-4682BID (Final Order December 4, 2009).*

Accordingly, it is found and **ORDERED** that Florida Housing's final scoring of the Janie Poe 3, LLC's Application 2013-103C was incorrect, and that Petitioner's Application in response to RFP 2013-07 be deemed to have met threshold and is eligible for available funding.

DONE and ORDERED this 1st day of November, 2013.



FLORIDA HOUSING FINANCE
CORPORATION

By: _____
Chair

Copies to:

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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.